

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, DECEMBER 18, 2003**

Public Services Building
BOCC Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, WA

6:30 p.m.

CALL TO ORDER

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Chair, Vaughn Lein. The hearing was held at the Public Services Building, BOCC Hearing Room, 6th Floor, 1300 Franklin Street, Vancouver, Washington.

ROLL CALL

Planning Commission Present: Lonnie Moss, Ron Barca, Carey Smith (late); Jeff Wriston, Vice Chair; Jada Rupley, Dick Deleissegues, and Vaughn Lein, Chair.

Planning Commission Absent: None.

Staff Present: Rich Lowry, Chief Deputy Prosecuting Attorney; Bob Higbie, Assistant Long Range Manager; Gordie Euler, Planner III; Linda Moorhead, Code Enforcement Manager; Donna Goddard, Code Enforcement Coordinator; and Sonja Wiser, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for December 18, 2003

The agenda for December 18, 2003, was approved as distributed.

B. Approval of Minutes of 11/3, 11/6, and 11/13/2003

MOTION was made by Dick Deleissegues and **Seconded** by Jada Rupley to **APPROVE** the Minutes of 11/3, 11/6, and 11/13/2003. **MOTION WAS APPROVED** by **MAJORITY** voice vote of all members present (Abstentions by Jeff Wriston and Ron Barca).

C. Communications from the Public

None.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:

A. AMEND CLARK COUNTY'S HOME OCCUPATION ORDINANCE:

The Board of County Commissioners (BOCC) appointed a task force in April, 2002 to study the issue of the use of rural properties for home occupation business activities. The task force met between July, 2002 and April, 2003 and developed a draft ordinance to regulate rural home occupations. County staff has modified the task force recommendation to include urban home occupations and to address other policy and legal issues. The ordinance, if adopted, would replace current home occupation standards in CCC 18.406.020(I). This hearing will be to consider the proposed ordinance.

The draft ordinance consists of: a statement of purpose; a section on applicability and exemptions; a definitions section; and sections on development and performance standards. The draft ordinance is available on the county's web page at www.clark.wa.gov. Copies of the draft are also available at Clark County Community Development, Long Range Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington.

Staff Contact: Gordy Euler, (360) 397-2375, Ext. 4968.

EULER: Thank you, Mr. Chairman. Rich, do you want to bring us up to date as to how we're going to proceed?

LOWRY: Well, it has been a long time. Rich Lowry. I don't believe you've closed the hearing.

LEIN: No, we haven't.

LOWRY: So I guess you ought to go ahead and take additional testimony and then hopefully we can get into deliberations.

LEIN: Any need for any additional staff update?

RUPLEY: It was (inaudible) 17th or 18th.

LEIN: Oh, that's right. Okay. We don't have a sign-up sheet but we will entertain anyone wishing to come forward to testify on this. Oh, is there a sign-up sheet, I'm sorry. Thank you, Jim.

(Commissioner Smith entered the hearing.)

LEIN: We'd like to welcome Mr. Smith.

SMITH: It's great to be here.

LEIN: Susan Gilbert, please. Susan, is that microphone working?

GILBERT: Yes.

LEIN: Okay, thank you.

PUBLIC TESTIMONY

GILBERT: Good evening and Merry Christmas to everybody. My name is Susan Gilbert. I reside at 2600 NW 329th Street, Ridgefield, Washington. The date on my testimony is last month's date because that's when I thought it was and I wasn't going to make other copies. I was a member of the Rural Enterprises Task Force. As you know this has been and continues to be a contentious subject. I have testified in front of the Commissioners, the County Commissioners, stating my complete frustration with the lack of clear direction from them to us as to what our job was to be. Our final product was based on home occupations of all kinds and some of these occupations we deemed legal in all zones. Because of the complexity of businesses it could not be a boiler plate kind of ordinance, too many exceptions and eventualities kept cropping up.

Nevertheless, there is one subject that bears your thorough scrutiny and that is grandfathering. It has been easy for all of us to look at this subject from the perspective of the businesses presently operating in the rural area. On the face of it it would appear that they are the ones most affected by this ordinance. We all want to try to accommodate them so that we don't put anybody out of business. But there is another side to this dilemma. That side is those businesses that had been operating legally in industrial zones. Specifically we are talking about large equipment operators. These businesses have been obeying the laws that are presently on the books. If you decide to grandfather illegal rural home based operators, then you immediately punish the business owners who are operating within the law. These operators will not be able to compete with home based businesses because their bids must include the cost of their overhead. What kind of message does this send and how do you justify it to the law abiding public. And does grandfathering include more than the present home occupation operator or can he then pass on the business to his children and his issues continue to operate out of the home. Does grandfathering mean a home based operator can sell his house and business and the new owner continue the business. Are you grandfathering the person, the business, the corporation.

Depending upon what kind of grandfathering you decide, if you decide to do so, you may be creating a new zone that should be titled rural home based industrial, which in all probability will not meet GMA requirements for rural lands. It's been reported that many of these large equipment operators will be put out of business if our proposed ordinance should be accepted. I contend that most will be able to comply with the ordinance and some may have to make small adjustments. Those who do not meet most of the requirements probably may have to move to industrial lands as their competitors have had to do. I do not believe that there will be a wholesale loss of business.

And as an aside, Matt Lewis brought to us during the Task Force, one of the Task Force meetings, a list of those companies that would not meet the criteria. So I went through each one of them, there was probably, I don't know, 30 or 40, I went through each one of them and according to our matrix threw out the ones that could not make it at all ever with the way they were set up and there was probably two in the whole list; otherwise there was little tweaking here and there, maybe one less employee, maybe one more, one less truck, maybe one, with a little bit of moving around people could comply with the ordinance. Having to move to industrial land brings up, of course, the subject of freeing more industrial land, which I guess we've heard enough of over the last couple of weeks, months, years, and the Commissioners need to address that, they need to address it by the end of the year, but it wasn't in the purview of the Task Force to consider where these people need to go and whether or not there was enough land for them to move to it.

We must also take into consideration that this proposed ordinance is much more inclusive and we may find many more businesses starting up than shutting down. We may experience a net gain in jobs that do not require infrastructure improvements. There is little that you can discuss on this subject that hasn't been thoroughly masticated sometimes for weeks at a time in the Task Force meetings. You may find as you deliberate that the ordinance seems complicated at first glance, but much of it is made quite simple by the inclusion of the matrix. While I appreciate the coalition's weighing in on this subject, and they had every right to do so, I ask that you allow the task force's proposed ordinance to have the greater consideration, that is why the Commissioners formed the Task Force and that is why the task force's recommendation should be preferred. This proposed ordinance commands your full attention and deliberation. Thank you.

LEIN: Any questions of Ms. Gilbert at this time? Lonnie.

MOSS: Yeah, I have one. Susan, if you mentioned that many of the businesses that the Building Industry Association had listed that would be put out of business or would be noncompliant, could be, could meet the requirements with some minor tweaking of it, how would you envision that minor tweaking occurring or what kind of --

GILBERT: Well, I think there's no --

MOSS: Are you talking about more flexibility in administering it?

GILBERT: Well, if you're talking about setbacks for example, you're not going to be able -- if somebody has a building that doesn't meet the setback requirements, you're going to have to do something that will excuse that, but the tweaking comes in things like landscape and things like hours of operation. If it's -- if their hours of operation should be 8:00 to 8:00 and somebody goes from 7:00 to 9:00, then they have to change their hours of operation. It's a tweaking that will take very little for them to fall into what's in the matrix for their particular size of property. That's what I mean by tweaking, small things, not large things.

MOSS: If we have a business, though, that has -- we had some testimony that's kind of plaguing me for some time earlier and that's folks who were talking about operating paving trucks for example and that their hours of operation or at least the time that they leave the house is pretty well fixed by the time that they have to be on the job which is outside these hours recommended by the Task Force, do you see tweaking occurring there?

GILBERT: Well, it's like everything else in this ordinance, it depends upon the business. If the fellow has one paving truck and he has to leave at 3:00 in the morning, he starts up the truck and he leaves, that's fine. If it's somebody who makes four and five trips back and forth between whatever he's doing coming home and he starts up at 3:00, yeah, I think something has to be changed. But it all depends upon what the business is and where he's going, that's why this is so difficult, Lonnie, it's so difficult to bring it all in into perspective for every single business out there, that's why the matrix seemed to work the best.

MOSS: Yeah, I think that you're articulating the very problem I think that most of us have run into and that's that there is so much variability with the population that we're dealing with of businesses out there that it's very tough to make anything work very well without a lot of flexibility.

GILBERT: But then you run the risk of too much flexibility and then you start another industrial zone out in the rural area, then you have people moving from the industrial zone and moving their businesses out to large pieces of land which are cheaper to buy than getting into an industrial area. There's all kinds of if you get too flexible, then we're in trouble too. Like this grandfathering, if you grandfather the corporation or the company and they, and the company can pass on to children and grandchildren and stay in the same place, you've got somebody working out of their home for time immemorial.

MOSS: You talk about freeing up more industrial land. Was the Task Force in favor of more industrial land in the rural area?

GILBERT: Yes. At any -- more industrial land in the rural centers, in the rural centers --

MOSS: You're aware that the current comp --

GILBERT: -- so that it would be easier --

MOSS: -- plan update doesn't include any of that?

GILBERT: I am totally aware of that, but that was -- this was drawn up before the comp plan became finalized. I mean as we know, it's changed almost daily, so we did not know what was going to be freed up but we certainly recommend it.

MOSS: Thank you.

LEIN: Susan, you mentioned that you approve of the matrix in here and yet you talk about flexibility. The matrix is pretty defined, there's not a lot of flexibility in it, how do you see that working if you're going to talk about flexibility and try to incorporate some issues on a business by business situation versus what we have before us for review?

GILBERT: Well, I think, Vaughn, that the flexibility comes in the differentiation of property size, that's where I think the flexibility lies. We felt -- we had a young man on our Task Force Cecil Rotschy --

EULER: Basil.

GILBERT: Basil, yeah, it's been so long I've forgotten, Basil Rotschy, and he had a very good point. I mean you'd have a 40-acre piece of property and your nearest neighbor is, you know, a half a mile away or a mile away, he should be allowed a little bit more freedom than the fellow who's on five acres and that's where we had to get the flexibility. We wanted to give the people who had the most pervasive of businesses in the large blocks of land a little more flexibility than we did the person who was on five acres and who may affect more people, that's what I'm talking about flexibility. Within your particular size of property, no, there's not a lot of flexibility.

LEIN: Okay, thank you. Any other questions for Susan? Thank you.

GILBERT: Thank you and good luck to you.

LEIN: Ron Ridnour.

RIDNOUR: My name is Ron Ridnour. I live in La Center and I'm here representing the La Center North County Chamber of Commerce. Basically I missed the last meeting and so I'm here kind of catching up tonight. And I'm interested in the discussion and so I don't have a lot to say, but I've been involved with the Rural Business Coalition proposal and so I've been working with that and so basically I'm here just to support that and to see what some of the conclusions are tonight so.

LEIN: Okay. Any questions?

RIDNOUR: And I think the grandfathering is a very important issue that should be considered also. That's really all I have at this time.

LEIN: Okay, thank you. Mr. Malinowski.

MALINOWSKI: Jim Malinowski, 23514 NE 388th Circle, Yacolt, and I'll try not to cover, repeat too many things I've said before. One thing I would say is that I worked with Susan Gilbert on the Ag Forest Task Force and I have a great deal of respect, I know that the Task Force worked very hard on this and the coalition recommendation adopts a lot of what the Task Force recommended. She and I disagree on a number of things though.

One is that on this issue of those businesses that located in industrial land and those that are out in the rural areas, I would venture that if you did a complete survey you'd find that almost no one who had or was operating or has been operating a rural business in the rural area knew that they were illegal, they just assumed that they had the right to open those businesses. So I don't think it's a matter of them conscious, very many, if any, consciously locating in the rural area in order to get some kind of economic advantage.

I get the sense from your deliberations in the past that your inclination is not to put existing businesses out of business and I think you ought to make a clear recommendation to the County Commissioners that some way be found to avoid putting existing businesses because many of those, in fact I would say almost all of those businesses were operating good faith, assuming that they had the right to operate.

On the issue of the matrix and that standard, I don't believe the business and industry association survey was particularly exhaustive. I know a number of my friends who were not contacted in that. And in the case of one that I do know, my brother would be put out of business by the standards that are in that, in the Task Force recommendation. I think to me, and I've stated this to the Task Force, and the matrix is far too restrictive and I really wish you'd take a look at that. It only provides for half a percent of your property for buildings and half a percent for storage of equipment and so you're talking about less than one percent of your property being usable for a home based business. When you consider how much, what percentage, of the property urban people are allowed to use that seems to me to be a ridiculously low limit. The other thing on equipment, the limits on the number of pieces of equipment will affect a lot of businesses, particularly small contractors adversely.

And the other thing I think you really -- one of the things you've been talking about is the need for low permit fees. If you're going to have low permit fees, you've got to have a fairly simple ordinance that doesn't -- that is not one complex to administer. One of the problems with defining equipment limits is I can have all the equipment, I can have hundreds of pieces of equipment on my property as long as I'm not in business and the

question is how does the staff know whether a piece of equipment is for personal use or for business use and if you put in specific equipment limits, then you're going to be faced with that issue of how do you divide off equipment that's for personal use versus the equipment for business use. If you want a permit process that's simple and easy to administer, you need some standards that are simple and I think that a flat percentage of the property would be a much -- for use would be a much easier standard to set. There should be some standard and my own view is that ten percent of the property would be a reasonable limit to set. And as long as the screening is in place and the neighbors are not injured, I don't see any need for a limit on the number of pieces of equipment. So I'd urge you to take a position on this issue. I mean there's -- we need to work through this thing and get a conclusion. We've been working on this for five years and I'd like to quit coming to these hearings.

The other issue was on the new businesses versus old. As long as the standards for the new businesses are reasonable I guess there's no reason to not to say that you're going to maybe hold the new businesses to a somewhat different standard, but there shouldn't be a big change because I -- there probably are people who would have gone into business in the rural area if they knew it was legal and did not.

So any rate and finally, I guess my final point would be that I know that now with all the environmental regulations with the Habitat Ordinance and with the agricultural situation very few people in this county can make a living tree farming or with agriculture and I don't think there's any reason why you shouldn't allow them to, those people that want to to use a part of their land in the rural areas to make a living off of it and it might provide the opportunity for some people that want to live in the rural area to continue to live. So I'll close by saying I'd urge you not to just go back to the Commission and to the Board of Commissioners and ask for direction, I think you need to go back with some specific recommendations and the two I'd urge you to do is, one, recommend that a mechanism be found that avoids putting existing businesses out of business, and I also urge you to recommend a different standard than the matrix for the ordinance. Thank you.

LEIN: Questions of Jim?

RUPLEY: Jim, I have one. You mentioned that your brother would be put out of business by these regulations. What are the specifics that would do that?

MALINOWSKI: The equipment limits, he has more equipment than would be allowed by the ordinance, and probably the percentage of land, he has about 30, 35 acres I guess and he's using more than one percent of that land for his business.

RUPLEY: And so the equipment is what he's using for his business, it isn't personal?

MALINOWSKI: Yeah. The, you know, for the habitat work he does for Fish First he's got a rubber-tired hauler so we can move around the riparian areas without doing damage. He's

got two backhoes and he's got several dump trucks for other parts of his business. So if you're going to work in several different areas, you need different kinds of equipment.

RUPLEY: Okay, thanks.

LEIN: Jim, can you give me some ideas -- you've talked about personal versus business types of pieces of equipment. Can you give me some ideas of what personal equipment couldn't be used for business?

MALINOWSKI: Well, for instance, I inherited a Insley, half a yard Insley crane that's on my property. It's operational, I don't use it for -- I don't have a business, but there are people, I know many people who have dozens of pieces of antique equipment, people collect those kinds of things, so you certainly -- I could use it if I decided I wanted to be a contractor I could. It's an old line machine, it's not like the new hydraulic ones, but I could still go out with a drag line and dig, you know, dig out ponds. That's not what I want to do, but I do want to keep it because it's something I remember my father had and used. And the thing is that the current codes there's no restriction on how many pieces of that kind of equipment. In my equipment yard right now my brother has an old log loader that he worked on 50 years ago, he's got a three-quarter yard drag line that's sitting there, it's operational but he doesn't use it anymore because the hydraulic machines are more efficient.

LEIN: But that's basically older equipment that people wouldn't use. What about newer equipment, do you have something of that in mind?

MALINOWSKI: Well, people have tractors that they use for their -- for personal purposes. The point is they can argue if you've got -- particularly if you have a bigger piece of property, you can argue that -- you'd have two or three Caterpillar tractors that you use, you could argue that could be used either for business or for personal use and how -- in that case how do you make that distinction.

LEIN: Yeah, that's I guess what I'm getting at in terms of somebody coming forward saying, you know, I use this tractor to pull a plow and, oh, by the way I guess I could use it for putting a road somewhere else, so there's sometimes a fine line between the personal versus business use. Any other questions of Jim?

MALINOWSKI: Thank you.

LEIN: Thank you. Matt Lewis.

LEWIS: Good evening, Planning Commissioners. Matt Lewis, 5007 NE St. Johns Road, Vancouver, Washington. I work for the Building Industry Association and I did not deliver an informational packet, I know you're all disappointed, but I figured the reams of paper that I've already contributed to this policy making process were adequate, so I just have

some verbal comments. Of our 800 members, close to 300 of them are located in rural residential land performing a number of different business operations related to the construction industry. We objected to the Task Force proposal predominantly because of the matrix and its rigid standards. Most of our businesses could not, member businesses could not conform to that.

Our group along with a consortium of other rural business interests met a number of times and put forward an alternative proposal called the Rural Business Coalition proposal which focused on regulating impacts rather than regulating business or commerce itself. We felt the focus should be on the nuisance behaviors that are offensive to neighbors because that's the real crux of the problem. In subsequent meetings with staff and through these hearings we've modified our proposal somewhat as these issues have been brought forward on the process that staff has presented you with. Quite frankly, if it moves the process along I think it's good, but I would echo Jim's comments about delivering a fairly specific recommendation to the County Commissioners but to keep it conceptual like this rather than a specific hard ordinance I think is acceptable.

On an earlier comment brought up by Mrs. Gilbert about the equity issue, and that's a legitimate question, since the organization that I work for represents both sides I can tell you that we wouldn't be advocating as passionately for provisions to allow rural business operation if the existing businesses located on commercial or industrially zoned property found this so objectionable. In fact many of the ones that are located on the properly zoned land started in the rural residential areas and so they have a degree of sympathy for that.

The other issue is that it's sort of two different markets, if you will. The type of contractor she was referring to is your excavator, your underground utility contractor, and there's really four large underground utility contractors in the county that are our members that are located in industrial land within urban areas and the type of projects that they're able to bid on and get are much different than many of the smaller operators in the rural areas. And there's more considerations to locating in the rural areas than just rent cost. Obviously that's a major factor in the cost of doing business, but there's other considerations like access to infrastructure, access to your customer base, convenience to your employees, and a lot of these things are life-style decisions of wanting to separate work and home. These types of things keep people in the urban areas.

However, on that note, if it's the Planning Commission or the County Commissioners' will to prevent an exodus of existing businesses in the urban areas, I think as Jim mentioned some sort of different standard for existing and new would be fair with this, recognizes the great proliferation of the number of rural businesses, the diversity in the existing rural businesses out there and the difficulty of applying a regulation to them while also saying under growth management there's a new paradigm for land use, we want to focus these more intensive commercial uses in the urban areas and rural lands should be for residential, resource or more limited type business activities. I think that's a fair public

policy. However, I would still say that that matrix is overly restrictive for even a start-up type business.

So if it is the will to do two different standards what I envision, what the Rural Business Coalition envision, for grandfathering, I think that term can be defined a number of different ways and depending on how -- what your perception is it could be quite scary. If it's sort of the gavel bangs and instantaneously all 3,000 businesses are just completely legal with no sort of regulation governing their operations whatsoever despite past offenses, that's a scary prospect and we wouldn't be advocating that. We would be advocating that they get permitted but it would be a very, very simple review, a Type I review. This gives the County some enforcement mechanism to get a record of that business and upon issuance of the permit there would be a series of performance standards that they would have to abide by, screening, setbacks, hours of operation, noise, dust, hazardous waste, and this would help control the offensive behavior. If there are problems the County as opposed to now where everything's illegal, it's in limbo, they don't have the -- they're not dispatching enforcement officers, they would have that mechanism in place.

Private roads. I think it's also fair that there perhaps be an enhanced review or enhanced standard for existing businesses on private roads. I wouldn't go as far to say it should be a Type II considering the cost and the time with that, but I think it's fair to have some additional considerations that existing businesses on rural roads should have to abide by. I guess I'd like to answer any questions and thank you for your time struggling with this issue because it's a difficult one, but obviously one very important for businesses and rural residents alike.

LEIN: Any questions of Mr. Lewis?

MOSS: Yeah. Matt, do you have anything specifically in mind with regard to those businesses that are on private roads, like what standard that they should meet? I know there's been talk about showing some evidence that they've attempted to mitigate their impacts. Is that what you have in mind?

LEWIS: Right. An additional submittal requirement as part of their Type I home occupation permit that is a type of a road maintenance agreement where they have to state their impacts their business has on that private road and what steps they will take to mitigate that. Perhaps there's also outreach to those neighbors on that private road to get some buy-in on that or a neighborhood meeting. If maybe businesses are on a private road, you have to engage your neighbors, I don't think you can state that they have to get each one to sign off, that could be very problematic. So I guess, yeah, some of the language that was included in both the Task Force proposal and the Rural Business Coalition proposal about evidence of mitigation, oiling, paving, watering.

LEIN: Other questions?

RUPLEY: Matt, why don't you give me an example of a business or a situation where you would not in your role recommend a grandfather?

LEWIS: I think it's just a matter of whether or not they can comply with the performance standards, and since the type of permit process we envision doesn't have a lot of up front review or site visits that are counting number of vehicles and type of employees, how large operations are limited is, it's probably more difficult for them to not create noise, not create dust, visually screen all their business components. So it would -- the performance standards would I guess prevent a business that shouldn't be there. I think it was discussed at the work session the possibility of a cap, perhaps we extend grandfathering, but there are some businesses that are so large, offensive or out of place that they shouldn't be there. Again it becomes very difficult to set that threshold in a fair manner that is preventing those types of businesses I just described but not punishing nonoffensive businesses that happen to have exceed those thresholds in a certain way. Jim's idea about a cap on the percentage of property might be a lot fairer than some of the arbitrary numerical standards that were put forward in the matrix.

RUPLEY: I have one more question. On the feedback from your members on the matrix, what would you characterize the feedback from them on the matrix?

LEWIS: Incredulous as far as some of the standards, especially for the low end of the parcel size. If I remember correctly I think two and a half to five acres and you're only allowed to have one vehicle and a vehicle mean a pickup truck, that's not, one vehicle, one trailer and one piece of heavy equipment I believe were the standards and there's some real inherent unfairness when you could be a CPA or a school teacher and have three Ford F-350s, but if you're a plumber with Ed's plumbing decal you can only have one and does that really make sense, is that really preventing nuisances to neighboring properties.

And as far as Mrs. Gilbert's comment at the tweaking enables most of those businesses that responded to my survey to fit in, I analyzed that pretty thoroughly. I remember there was quite a wide disparity on many of those businesses that didn't fit and even if she characterized eliminating an employee or a piece of equipment as "minor tweaking" depending on the nature of operation, that could be -- well, at least for the employee that was eliminated I guess it was a little bit more than tweaking so.

RUPLEY: Okay, thanks.

LEIN: Any other questions?

LEWIS: Thank you.

LEIN: Thank you, Matt. There's one more name on here, I apologize I can't read it and there's no address, so if you signed up.

KEPCHA: You have to forgive me.

LEIN: I know they were trying to pull the paper out from underneath your pen so.

KEPCHA: My name is Michael and the last name is Kepcha, K-e-p-c-h-a. I live at 39215 NE 28th Street, Washougal, that's actually Bear Prairie Sky, but I came in here because I had -- some of the things you guys had been talking, the Planning Commission has been talking about, is stuff that pretty much directly affects where I live up there. We have one neighbor up the street who has been there forever and he has like a small wrecking yard in his backyard of logging equipment and stuff out there. He's got to have 30, 40 pieces of equipment and old cars laying out in his backyard. To be honest with you, I have five vehicles but they're all under cover, out of sight, so they're all operatable. I would like to pretty much like what you have here but I don't like -- I would like to see that the notification process be on the shoulders of the property owner, not on the County because I've had lousy luck with the County on if you're putting in an application, they won't let your neighbors know that you want to go into business. I have a covenant on the property that I live on, but that hasn't stopped my neighbors from doing their backyard shade tree mechanicing. And one guy's doing landscaping even though there is a covenant on our property that says we're not supposed to have any businesses in there.

The other thing is on the businesses of what you could have on the 400-square feet, I could run a commercial bakery out of the regulations you have here where I could be putting out probably 1200 loaves of bread or 7, 800 pies a day out of my, oh, out of a little operation, I could run a finishing mill for wood finishing, door prehangs and that would be a major impact on my neighbors and you don't really have it tied on the hours of operation like you should have. I don't know if you've ever heard of sticker machine running when you're putting molding through, but I guarantee you if you're within 3, 400 feet of where that's going on you would know about it, (inaudible) a band saw and all that stuff, you could put that in a 400-foot shop and you would be able to do mill work for four or five houses a day or once a week you could put out a 120-unit apartment complex doors framing for the insides trims for the walls if you had a 400 by a 400 square foot shop.

The main thing that I -- the reason I came down here is I have some neighbors up there that think Saturday and Sunday is the day to take their heavy equipment out and make some extra money on the side. And they have like one semi dump truck and one backhoe or whatever you want to call it, the big trucks like steam shovels and they start up there at 4:00, 5:00 in the morning running around and helping their neighbors out. I don't think they're getting the permits when they do it and those guys unless you've been woke up at 4:00 in the morning by somebody going by with a Jake Brake on, you have no appreciation for how annoying that could be, especially when you have four or five neighbors doing it. And we have a couple of neighbors up there that use dynamite all the time, the same thing, same guys, they do -- they use brush hogs and they have the toters, they run out there with the toters to clean people's lots so they can put houses on them.

The same thing when you have another ordinance in there and if you wanted to run with a six meter dish in your yard, two of them, you could run a hunting service or find stuff, locator service, out of your house worldwide and that would definitely mess up your neighbor's TV reception and interfere with their phone. Even though it's a land line phone it would still interfere with their land line phone. And you're talking major business in a 400-square foot building, if you have a couple of six meter satellite dishes there and four or five IBM servers. Well, anyway, thank you.

LEIN: Any questions from members of the Commission?

KEPCHA: Oh, I forgot one thing. I didn't see anything in there about containers. I've seen a lot of guys up where I live are sticking those containers out in their backyards too, those 20 --

LEIN: Shipping containers?

KEPCHA: Yeah. That's not a trailer, but, thank you.

LEIN: That concludes the sign-up. Is there anyone else in the audience wishing to testify? If not, we'll close the hearing to the -- for public comment. Rich, do you want to guide us?

RETURN TO PLANNING COMMISSION

LOWRY: Well, I think it's still staff's recommendation that we walk through the outline that Gordy put together which we hope identifies most of the substantive issues that have arisen either directly from you or from testimony that you've received. It's our hope that we can through the deliberations get as concise a recommendation on these issues as possible from the Commission and then take that to the Board of Commissioners and get some direction based upon your recommendation on putting together an ordinance that reflects whatever changes to the current draft is implicated by those recommendations rather than attempting to go through draft after draft of a final ordinance provision. So again our hope is that you can have Gordy lead you through this list, discuss the issues that are identified, and then -- and hopefully then come to some sort of a consensus or nonconsensus.

LEIN: Is that all right with the members of the Commission?

DELEISSEGUES: Well, I've got a concern, I guess, with that because we've got three or four drafts of different ordinances and the one was sent to us, the last one is modified draft and then there's a whole list of recommendations, Modified Task Force recommendations that were made, and looking at Gordy's list, you know, sooner or later you're going to have to get down to the words that describe what it is we're going to require in an ordinance and

this is philosophy in my opinion do you want to do this or that, yes, no. Well, if we say yes, the question isn't whether we want to do it or not, the question's always been how are we going to do it. So if we take this sheet of paper that Gordy's given us back to the County Commissioners, where does that leave them. I mean we still don't have any kind of an ordinance that is going to implement, you know, the requirements of our desire here.

LOWRY: I think where that leaves us is that we'd use this outline and your recommendations to have a work session with the Board, walk them through these same issues as we hope to do with you, and then get some direction from them in terms of what they want to see in this specific ordinance. Our concern is if we -- our assumption is you're going to be split on some of these issues. We think the Board is going to be split on some of these issues. We could go through an infinite number of drafts and never come up with the perfect ordinance because there is no perfect ordinance given the complexity of the issue that we're dealing with. So we think there is a need to deal with this at a conceptual level at this point until we can get this back to the legislative body and get the legislative body to give us some firm direction.

DELEISSEGUES: Since you're anticipating a split on if not all of them, most of them, are we going to vote on each one of these?

LOWRY: I think, yes. If an obvious consensus isn't reached, then I would recommend that a vote be taken.

LEIN: Any other comments before we proceed?

BARCA: Yes, I'd like to comment based on when we went through the last workshop and this same matrix, or not matrix, but criteria sheet was put before us I know it wasn't the entire Commission, but I thought we had a lot of consensus on some of these questions going forward and as much as possible I would like to pass to the Board recommendations specifically about what has been drafted here which is titled Modified Task Force Recommendations.

LOWRY: If I could, sorry to interrupt, but I think there is -- as Matt testified there is, Matt or Jim I don't remember which, there is a lot of overlap between the Modified Task Force recommendation and the Rural Coalition recommendation. So a lot of the verbiage that's in the ordinance, draft ordinance, I don't -- I agree with you, I don't think there will be a lot of controversy about, the issues tend to come down to questions about the matrix and questions about existing versus new businesses.

BARCA: Right. And I think that one of the reasons that the proposal is titled Modified Task Force Recommendations is all of the work and effort that we've already gone through through the multiple hearings to get ourselves to the point where we were drawing the two different proposals closer and closer together, so I don't necessarily see us being so far apart that we have to pass recommendations forward that are only in theory and not

without specifics within the Task Force recommendation itself. I think we can get to good portions of it. There may be passages within that that we have to pass over, but I'd kind of wait to see how the night goes before we make that recommendation so quickly.

LEIN: I was trying to remember how many of us were at the workshop. I think there was about four when we went through the list.

BARCA: Four or five, yeah. And we started off with one consensus which was what Dick brought forward was the idea of occupations that were exclusively within the home and whether we needed to spend a lot of time and effort in trying to craft what that looked like or whether we were willing to accept the thought process of just grandfathering in and moving forward and from there I believe we went to the aspect of businesses without employees. And I think it's worthwhile to go down these questions and try and match it up with what we have on the ordinance and see how far we go with it.

DELEISSEGUES: That's pretty much what Gordy wants to do, isn't it?

EULER: Yes.

BARCA: It sounded different when Rich said it.

LEIN: He usually does. Okay. Gordy, do you want to take us through this as you've done before.

EULER: Thank you, Mr. Chairman. I think the -- Gordy Euler, Long-Range Planning, Clark County, for the record. I think what -- another way of saying what Rich said is we have, there are three draft ordinances, one of which is strictly the Task Force recommendation, one is the Modified Task Force recommendation that Ron just referred to, and the third one that we presented at one point was the one that the Rural Business Coalition put forth. Rich is absolutely right, there is a lot of similarity in those, a lot of commonality, and I think we -- for the sake of this exercise we have specific language. I think if we sat down with Matt, which we've talked about we know we need to address the private road issue, they're comfortable I think with the nuisance provisions, the landscaping and screening provisions, it's that when we looked at the places where we were far apart that we decided on a -- this approach. I think staff is in agreement that we've got a good part of the language drafted, we're not discarding that or holding, we're just sort of holding it in abeyance, it's ready to go, we're not -- it's still on the table, but we thought this would help us officially take to the Board to get some direction, some of the issues that seem to be problematic. So that's -- having said that, that's why we're revisiting this issue and hopefully we can get some agreement as to whether these are issues. And they may not be issues; if we agree to them, we'll move on. So that's the hope tonight, Mr. Chairman.

For members of the audience, if you haven't, there should be copies of this list on the back. It's titled Draft Home Occupation Ordinance, Questions for Planning Commission

Discussion, and it has today's date of December 18th on it, and to the extent we've agreed on these, we'll move on. So question Number 1 is: Should new and existing businesses be treated differently?

DELEISSEGUES: That issue is key to the grandfathering issue. If you're going to say yes, then that really is going to limit what you can do with grandfathering. There was quite an editorial in the Reflector by Marvin Case about treating the existing businesses differently than new businesses and I think he made a lot of sense that that's not something that we can do. We're going to have to treat them all fairly and all the same in whatever we do. At least that's where he was coming from. And I certainly agree with that position, but this Number 1 is a toughy; if we can get passed it, then we can probably run right down the rest of them.

LOWRY: You really can't discuss Number 1 without discussing also Number 2 because that's the reason why you'd look at grandfathering is because you've decided that some sort of matrix ought to be applied to new businesses and that matrix would put some existing businesses out of business and you don't want to do that.

LEIN: But that's one of the things I would use for an argument that treating existing businesses may be different than new because if an existing business is much larger than what is allowed for someone else, a new business should understand that they may have stricter rules when they go in to establish a new business.

EULER: I think we'll -- depending on how you want to proceed, when we get down to existing businesses, Question 3, we begin to hone in on the differences and how to do it. This is the sort of the top of the decision tree, is there a difference in terms of our County policy towards existing businesses versus those that we would say come in after the ordinance, assuming we get there, is adopted.

DELEISSEGUES: Another question I'd have is: Is there a possibility to have conditions on the grandfathering; in other words, you're permitted for five years with the understanding that at the end of five years you would become compliant with --

EULER: Again, we'll -- I think as --

DELEISSEGUES: -- you know, or something like that.

EULER: -- as I think we'll get there. Under Number 3 we talk about depending on how you want to answer 1 and subsequently 2 when we talk about existing businesses we'll get -- that's the, that's the devil in the details.

DELEISSEGUES: See, those are the kinds of things, though, if we agreed on that, maybe we could answer Number 1. It's kind of a, you know.

BARCA: When we did the workshop we started with Number 3.

EULER: Okay, fair enough. For existing businesses: Should existing businesses have to meet, and it says here the matrix, but in deference to the Rural Business Coalition proposal, a matrix, not necessarily the numbers that are in what the Task Force but some limitations, so should existing businesses have to meet some kind of matrix standards, limitations on the amount of equipment, number of employees, that sort of thing.

LEIN: Comments?

BARCA: In our discussion on this before it was my recommendation that we took the maximum number of vehicles, trailers, pieces of heavy equipment just off the matrix before and left it more towards the aspect of the number of employees to try and drive out where a business was going to grow. We had enough testimony before that when it came down to pieces of equipment and trying to deal with equity the point being made that an individual that wasn't in business could have multiple pieces of equipment, but a person who has less numbers of equipment but happens to have a logo on them would be restricted in that regard and there was an equity issue that we kicked around quite a bit at the workshop.

I don't see those necessarily being the specific driver on what's going to make this successful or not. I think what we talked about before was the idea that what's going to be covered, what's going to be screened, and then allowing an individual to choose to have their home site be a place of business or a place of recreation based on their own needs and desires. If the whole thing is screened or the equipment is covered in a fashion that was acceptable with the rest of the ordinance, what difference does it make whether they've got 1 or 16 pieces of equipment.

MOSS: Ron, just a question for you. I'm not sure that we've had this discussion previously, but about limiting the number of employees, it seems to me that there's some sides of this that we need to look at. If we've got people working on this property all day or a significant portion of the day, that's one type of employee. We've got people who may be reporting to this property in the morning, but then leaving the property to spend their day -- like in the case of construction and contractors, maybe somebody comes in and reports there and then goes to a construction site from there. And then we've got other cases where this business may be run out of this piece of property, but employees of that business may not actually report to them.

So it seems like we need to distinguish here between those types of employees when we're counting, particularly if we're going to make this a significant element of compliance. I'm not sure what the answer is to that, but certainly I think that the former or the first one that I mentioned, that's where we've got employees on the property all day long, is much more significant than if they just report there. And if they're reporting to some other site like a construction site, that's irrelevant I think to the operation of this business and those

definitely shouldn't be counted, but I think the ordinance needs to say that.

BARCA: And actually we did have a good portion of that discussion and I think without saying that there was consensus we had somewhat of an agreement that we were talking about on-site employees and the impact that that had both in the aspect of available parking and in the aspect of travel on any of the roads that would be impacted. When we discussed it before we also talked about the idea that if they were reporting and picking up a piece of equipment and then traveling out and then not returning again till basically the end of business day, then we were swapping a private vehicle for a business vehicle and it was pretty much going to be a wash as far as the aspect of impact. It's a matter of, you know, where is one stored versus another.

MOSS: Well, it could be, of course, this person could be leaving a pickup truck and exchanging it for a truck and trailer or a, you know, hauling a dozer off to some construction site in the morning.

BARCA: Right. Right. But is that a --

MOSS: Do you recall what the conclusion was, though? Did we --

BARCA: No. I don't think we actually finalized it as a conclusion, but I think we were -- just as we were pushing it around we were saying, you know, who is the impact to, basically it's the neighborhood or the road under those circumstances, and then the aspect of the size of the business really played the overall impact and so we talked about the matrix being a limiting factor as to how much of an impact was going to be appropriate for future businesses to be established. And then that aspect would be that any businesses that we were going to be talking about grandfathering in should they be in excess of whatever number we thought was appropriate in that regard, then they would basically be at a cap already. And we didn't nail down specific numbers where it has in this matrix maximum number of nonresident employees, but it seems like a good method to try and talk towards the aspect of what's a reasonable impact, knowing that different types of businesses are going to have different requirements. But my recommendation would still be to take the bottom three rows and at this point in time for discussion maybe consider them unnecessary towards limitation.

DELEISSEGUES: What page are you on, Ron?

LEIN: Page 12.

BARCA: Yes, Page 12. I'm only looking at the Modified Task Force recommendation.

RUPLEY: I would agree with that as a start.

MOSS: Uh-huh.

RUPLEY: So when we say "a matrix" what you're saying is that a matrix might be one that would be minus those bottom three rows?

BARCA: Yeah. And I think we're going to have to come down to the aspect of developing some type of matrix. How we utilize the matrix in relationship to existing businesses versus new businesses should warrant a lot of discussion from us, but the criteria I think helps establish the ability for businesses to be formed in the rural areas without the relentless impacts of ever growing businesses or ones that have shown in the past that there's a lot of nuisance associated with specific types of businesses, not that equipment by itself as the exclusive nuisance by any stretch of the imagination. I think we really heard more complaints about automotive repair style businesses in the form of complaints than we did large equipment, but there was definitely some strong opposition to early morning start-ups of large equipment or the ruination of private roads through the hauling of large equipment.

MOSS: Uh-huh. So, Ron, if you don't want to limit the number of equipment and you're going to treat employees differently if they spend the day there than if they just come and go, I'm thinking what if we have -- if you have a construction company that has 50 pieces of equipment and has 50 employees reporting there to pick up a piece of that equipment and leave each day and return, how would you -- first, how would you count the number of employees? Would each one of those count as a full-time equivalent or would you not count them at all since they're not spending most of the day there?

BARCA: I think you'd have to look at the aspect of them being considered full-time employees, but the aspect that they're drivers or going to be hauling the equipment away would be one in which you're saying that none of them are going to be spending time on the site.

MOSS: I'm saying if the construction is run out of the site and has an inordinate amount of equipment that requires that, you know, employees, the operators of that equipment, report there in the morning, pick up the equipment and take it to a construction site, the impacts of that could be fairly significant, and yet it -- depending on the way you count employees, if you're not counting machinery, they could be entirely compliant with the matrix. I'm still not sure how we're counting those people and that's the difficulty I'm having.

DELEISSEGUES: I'd sure think that any company that had 50 employees it would be a real stretch to call them a rural home occupation.

RUPLEY: Especially on two and a half acres.

MOSS: Well, I would too.

DELEISSEGUES: They ought to be the ones that are on the commercial land that are

saying we started out in the rural area, but here we are in the legally zoned commercial or industrial piece of land.

MOSS: If we stick with this, the numbers in this matrix though, what do you do about the business that has six of those?

BARCA: Six of those?

SMITH: People who come to pick up equipment in the morning.

BARCA: Well, I guess I'll go back to the aspect that if we're looking at what we are using to try and modify the nuisance behaviors and they're able to operate between the hours of 8:00 and 7:00 and they don't create an excess amount of noise or smoke or dust and they're leaving the environment, I guess I'm stretching my brain to see where is the adverse impact that we want to limit that. Now obviously a number like 50, a parade of 50 pieces of heavy equipment all leaving the gate at approximately 8:00 in the morning, you know, it would be something that would be noticed and would have a lot of adverse impacts I would think, but if we're talking about perhaps within the context of a high end of the numbers here four, five, six, something of that nature, I'm not sure where I would see that being a problem honestly.

MOSS: Yeah, I'm not disagreeing with you on those kinds of numbers, I'm just thinking, you know, at some point in time these things are going to have to be measured by Code Enforcement and, you know, the devil really is in the details of what are we going to measure, what limits are we going to set.

BARCA: So employees on the payroll or employees not on the payroll, employees that reside within the confines of the business, X number employee, total number of employees, X number, something that, I think there really does need to be two distinctions between the type of employee that's on the site full-time versus the aspect of employees that come for the sake of getting their assignment and going off to a job site.

DELEISSEGUES: So we can't answer (a) should existing businesses have to meet the matrix because we don't know what the definition of the matrix is.

BARCA: Well, we'll create the matrix and then we can answer the question.

MOSS: And Gordy did clarify that by saying a matrix.

LOWRY: The number of employees on-site itself may not be a good indicator. You could have somebody that was operating an accounting firm out of their house and had six people that came and worked in there, they'd be part-time people, and it could look very much like a home business, but the number of employees there would have much less impact than a fewer number that were coming to only there in the morning and the evening

but were driving out big rigs. I mean the impact depends upon the nature of the business, not on whether the employee is there for most of the day or not.

I guess I'd also like to suggest that zoning ordinances are normally put together by establishing arbitrary rules, arbitrary setbacks, arbitrary height limits, that are based upon very generalized view of what impacts are. Where we don't do that then we tend to make things conditional uses, which means you're into a very intensive examination of what the impacts of this particular operation are and then you construct conditions that reflect the individualized nature of the operation. To attempt to combine both I don't think is possible. You either have a complex and therefore expensive permitting process or you have some arbitrary numbers that are in a matrix and you live with it.

Now I suppose you could combine the two by saying we have some arbitrary matrix numbers and that's what you have to comply by if you're going to be processed as a Type I. If you want to go above that, then we have to bump you up to some level and have a more rigorous review of what your impacts are and how you propose to mitigate those impacts.

MOSS: It seems like there's some relatively accrued ways that we could get around this also, Rich. One possibility I've been thinking about is applying different standards to those businesses that ordinarily could only be located in industrial zones. Like you might allow twice as many employees for nonindustrial uses as you did for industrial uses before it triggered a more rigorous permitting process. You know, I think we're all, we've all got the same concerns here and that's that really there are some businesses as you mentioned, you know, I don't care if an accounting firm locates next to me and they have half a dozen employees, the impact is essentially zero as far as I'm concerned, but it could be considerable if that were a new mill coming in there and operating noisily all day with the same number of employees. It seems to me, though, that we could do something like that that would be accrued measure and yet it would capture the majority of businesses that are the more noxious types.

WRISTON: Rich, are we talking about in your mind what would be considered legally established nonconforming uses?

LOWRY: No.

WRISTON: Okay. So therein lies part of the problem.

LOWRY: We're talking amnesty.

WRISTON: Okay. Because I don't know whether we've talked -- I haven't heard that we've talked about it at the work sessions, but I mean generally when you talk about grandfathered uses, you talk about, one, a grandfather right, something that is disfavored in the law, but on the other hand if they are legally established nonconforming uses, it's

something that deserves some sort of recognition, which is you establish a business in your home under, you know, I always think of the old FX zone, you know, there were no rules back then but people relied on the fact they established these businesses and they've been operating and they have every right to because they relied on that. They, you know, provided that there's not some overriding, you know, public welfare or, you know, health safety and all those issues, they have the right to exist and they have the right to expand reasonably a little bit. I mean you take that snapshot and all those things, I mean there's all this, this whole body of law, but if we're talking about amnesty then we're talking about a whole other really I mean obviously. And to state the obvious, but for my purpose I need to break that barrier.

LOWRY: No, and that's a very good point. If we were talking true grandfathered rights in the sense of nonconforming rights, then as you say there is a huge body of law and our choices would be much more limited and this hearing much easier.

WRISTON: Then if we're talking amnesty, then from my standpoint we choose a matrix, we figure out what we want, and we give some time for people to come in conformance with that.

DELEISSEGUES: So, Jeff, are you saying they'd be treated the same eventually? I mean the time that it would be allowed and --

WRISTON: If we're talking amnesty then I don't see any reason why we'd -- I mean really -- I mean I want to differentiate between a legally established and nonconforming use and amnesty. And if we're talking amnesty then there's no legally established reason why eventually -- I mean we're granting them -- if you give them a certain period of time, and even give them as Matt said some, you know, a Type I, you know, make it so it's not such a hardship, but, yeah, eventually I think the goal needs to be, and in going through and answering these questions, the goal needs to be that you put everyone on an equal playing field and with as Lonnie said things that, you know, established goals or established -- we just lost sound I think, there it goes. That was weird. You know, something established requirements and, you know, protocol and all that Code Enforcement can go out and say, okay, you know, here's the -- and I agree with some of what Ron is saying as well, it, you know, here's, and I think Matt said it as well and maybe, Ron, you may not be saying this, but in terms of rather than limiting the number of vehicles and things like that, you take it as a square footage thing, okay, you have so many acres or something like that, this is you're allowed, you know, provided you meet the screening and all the noise standards and everything else, this is the amount of area you can cover.

And the employee, I want to -- I'll raise the employee issue on the nonresident employees, that really needs to be talked about carefully because that's going to be a real hornet's nest because you can't -- a lot of these businesses, most of these businesses, and I think, Lonnie, you probably know that as well, and they're going to have people report to them perhaps, but any of these businesses that employ even more than a few people, more than

likely, especially in the construction and equipment and all, they'll have superintendents and all, maybe they'll report to the business, but their employees are going to report generally to the area, to the construction site, will be dispatched from their homes to report to the construction site or something like that. And, Lonnie, you can correct me if I'm wrong, you know more than I do, but that's just from the standpoint of, you know, employees clocking in and then driving all the way down to the -- I mean it's just --

MOSS: No.

WRISTON: You're going to want to talk about how many people, I think Ron made that point, you're going to want to talk about how many people actually are working full-time at this place. And then aside from that, because I mean we employee over 300 people, 300 people do not report to our office every day at that one location, you cannot say, you're going to have to differentiate somehow.

EULER: There are -- as I see it there are three types of employees, if you will. There are those that come in and go out again which are probably the most in terms of trips. There are those that come in and work on the site all day, and there are those that you say that are employed by the home business but go -- never show up, they just go to a site. I think the way we thought about crafting this was what is it about the employees coming to the home business that creates the impact. It's trips on the road, it's maintenance of the road, it's dust on the road, and so we could define it as one way to say resident, nonresident employees that come to the location would be one way to define it. So you exclude counting in your total those that never -- that go to someplace else but are still employed by the home business. That would be one way to define it.

WRISTON: Or regularly or something like that.

EULER: Yeah. Not all employees are treated equally is the -- is you're right --

WRISTON: I mean they have a Christmas party or they have a meeting or they have a, you know, whatever, but --

LOWRY: Well, and another way to do it, which I think is getting at what Gordy is saying also, is rather than talking about employees talk about the number of trips, how many -- particularly with heavy equipment how many times does heavy equipment leave and arrive on the site on average in any given day.

MOSS: Yeah, I think that would be a good measure.

EULER: Easier to measure than how do you count your payroll in terms of full-time.

MOSS: Even then I would make a real distinction between public and private roads. You

know, there's a, you know, it's a real concern for private roads, for public roads in the rural area. In most of the rural area we don't have a congestion problem, we don't have a traffic problem, you know, merely having trips occur isn't necessarily an adverse impact.

LOWRY: No, but the starting up and the noise --

MOSS: That is.

LOWRY: -- that may be whether you're on a private or a public road.

MOSS: Right.

WRISTON: But I guess to move things along, and this probably won't move things along, but I guess what I'm saying is that what we need to do is distinguish that this is amnesty and so then we got to figure out -- I mean what are we going to allow. And from what I remember from our past hearings and from what I was thinking was that you allow a certain amount of time for these people to get into conformance, some reasonable standards to get into conformance, a reasonable process which would be, you know, albeit Type I or Type II, but hopefully a Type I, and maybe even a graduated or some sort of amnesty even on the fees. I mean that was the thing, that was part of it was the fees and these darn fees that we can't charge \$20,000 and we can't put them through the typical process.

I mean there's got to be something to encourage people to come into conformance and get them through and we can't be bringing up, you know, they can't go through that. I'm not going to editorialize, they just got to go through something that is user friendly to get them, you know, into conformance and then from there, you know, once you kind of meet that goal and so that you can draw the line and say, okay, this is what we do with amnesty, this is what we do going forward, be able to draw that line I guess.

LOWRY: I take what you say, have said, to mean that you would not draw a distinction, a permanent distinction, between existing and new?

WRISTON: Absolutely not. I would not.

LOWRY: But you would consider having a phased in amnesty period where existing businesses to the extent necessary could ramp down?

WRISTON: If they -- in your own mind they are not, if it's amnesty, truly amnesty and not, we're not talking legally established nonconforming uses.

LOWRY: Right.

LEIN: We discussed -- at one of the workshops I believe we talked about, you know, is it

two years or is it five years in order to allow a company to either relocate to an appropriate level of business opportunities or decide that they don't want to operate out of this type of location or downsize their business. And, you know, there again you're trying to create a numerical standard at how fair is that to everyone or do you try to look at the amount of, the amount they're not complying with and then create a tiered system so that if it's a minor violation, they have one or two years to do it; if it's a major they have up to five years to do it. It adds, you know, a lot of complexity to it.

WRISTON: I mean from my standpoint you've just -- we decide a reasonable period of time without getting into with -- I mean trying to be because what you're talking about you add somewhat subjectivity too and it just becomes very difficult. To the extent we can pull that out and say, okay, you know, two years from the adoption of this ordinance or whatever, make it an easy, you know, make it a reasonable process. And part of the amnesty would be we may just have to eat some of these fees. I mean we just I think are going to have to subsidize some of these fees for the existing businesses. I mean, you know, I don't know what it's going to be, I don't know what the current home occ fee is. I know like in Vancouver I think it's --

LEIN: It's \$79.

WRISTON: \$79, okay.

EULER: That's a current Type I fee, correct.

WRISTON: And I know part of the concern is, well, gees, we're going to have thousands of these, well, if we want to solve the problem we may have to eat it. We haven't stepped to the plate and subsidized anywhere else where we, you know.

MOSS: I think we've got to keep that, you know, economic reality in mind here that --

WRISTON: Yeah. It's not going to happen.

MOSS: -- it is important, it really is important to have these fees be low, but to me that means that we've also got to have a very simplified permitting process because I don't want to see the public subsidize this a great deal. We potentially could spend an enormous amount of staff time on this and consequently a great deal of the County's budget in permitting these existing businesses and I don't want to see that at all. That's -- I would go for, I'd vote for a much simplified process Type I in almost all cases and --

LOWRY: Right. I think a very simplified process if it were linked to an amnesty period would work; that is, there would be a window of opportunity, some period of time, within which an existing business that could come in and register with the County and describe their operations, we'd compare it against whatever the matrix turns out to be in the rest of the ordinance and if they were over, then by coming in they buy themselves essentially

immunity from Code Enforcement for X period of time to get into compliance. Now the downside for that business is they're now of record with the County. The upside is that they if they do get into Code Enforcement, they got a free ticket for some period of time. But that kind of a process I think could be administered very efficiently and very cheaply.

MOSS: I do too.

DELEISSEGUES: What we discussed at the last workshop was that the business was contained wholly within the residence, no outside residence activity, they would get a permit but it wouldn't cost anything and there wouldn't be any review.

EULER: It would be under that scenario they'd be exempt, there would be no kind of review.

DELEISSEGUES: Exempt, but I still think they ought to have a written permit that clearly describes the conditions under which that permit was granted so that there's no question, you know, later on by neighbors or Code Enforcement or anybody else whether or not they're in compliance with the permit.

LOWRY: The trouble with that, though, is that you'd probably catch a majority, if not a vast majority, of the homes in Clark County where there is some sort of business however minor that goes on, and one of the things that Gordy tried to do with this ordinance was establish more reasonable thresholds before a permitting process was triggered. Now for Cities, Cities have business license authority which is a revenue producing process where they do go out and get and require business licenses, the County doesn't do that and we're precluded by State law from doing that as a generic process, doing it as a land use mechanism probably doesn't make a lot of sense.

DELEISSEGUES: Well, I think, then, the permits could all be the same. I mean all they would say is no activity is allowed outside the residence, you know, no additional employees can be employed other than members of the household, whatever, you know, whatever is going to be exempt, it would be all the same. If they're exempt they'd get a permit saying here's the conditions of a exempt permit, not necessarily yours or site-specific, but these are the things you can do within an exempt permit, here it is in writing, then if the neighbors complain about something they can see, hey, they're within the written allowance of that permit allowed activity.

MOSS: It seems to me, though, that you can accomplish exactly the same thing by the exemption level, that you say below this threshold, as long as you maintain your business below this threshold you're exempt from any permitting process at all and that's the test.

EULER: And I think part of it doing this was, to get at your concern, Lonnie, that there were going to be, well, they're going to be lined up seven deep around the block waiting to get a permit, we don't want to do that.

MOSS: No. No.

EULER: The idea is to start with some minimum and then go from there and try to exempt as many as we can.

DELEISSEGUES: (Inaudible) you can mail it to them.

MOSS: But certainly those exempt businesses --

WRISTON: No, and that's the distinction.

MOSS: -- you don't need to do anything. If the business stays below a certain level and nobody complains about it, there really isn't any reason for the County to be concerned about it at all.

LOWRY: One of the things the County is doing more and more of is putting out brochures that say here are the rules for X and that's the kind of the thing that could be done in a brochure.

MOSS: Which gets to the same thing as what you're looking for.

DELEISSEGUES: I just think it needs to be clearly understood what the permitted, what activity is permitted and their status.

BARCA: Dick, on Page 9, Section E, and then you go down to b in rural area exempt, these are home occupations exempt in rural areas, accessory structures up to 400-square feet, no employees or customers, no outside storage, no heavy equipment, one business related vehicle, no retail sales, that's exactly what it's saying right now for exempt.

DELEISSEGUES: Good.

BARCA: So if that meets your thought process, then I think the individual that you're talking about running a business under this format could clearly show that they were within compliance of this and not need to have a permit issue that exempted them, which I believe is the intent.

EULER: Exactly.

WRISTON: And I think that's important because there are a lot of people these days that do side things, you know, will form technically, and, Rich, you're exactly, Rich is exactly right, it's always (inaudible) probably, but in the city I mean you have the whole business license aspect of things of which if you applied -- to be legal, if you apply for a business license then you'd probably need to apply for a Home Occupation Ordinance even if you

just have some side, you know, limited liability company or something like that that is trading eBay or you're a home nurse that, you know, and going out or something that causes you to, what, something that causes you to form --

LOWRY: Your court reporter does her typing at home --

WRISTON: Yeah, that's a very good point. And there's any number of reasons --

LOWRY: -- and she lives in the city.

WRISTON: -- where there's absolutely no impact, no impact from what you do, but you may establish a corporation or a company or whatever for instance that in the city I believe it triggers a number of things but in the county it's just not necessary so.

MOSS: Yeah, in those cases there is an impact and it's a positive one. I think that we'd want to encourage this. You know, I mean that's less trips down the road if people can manage to run a business out of their home and have no adverse impact on it.

DELEISSEGUES: It's not very clear, though, where it says "no employees" under all of them. A couple of them.

WRISTON: Nonresident employees.

DELEISSEGUES: That's what I would say, nonresident employees.

EULER: You're looking at the Modified Task Force?

RUPLEY: Page 9.

DELEISSEGUES: I believe on Page 9 under urban areas, under rural areas and so forth.

MOSS: That's a good point.

BARCA: Yes. The answer's yes.

MOSS: It should be "no nonresident."

WRISTON: And for most cases that will resolve itself too because I mean in most cases with those types companies and corporations there you're dealing with principals and members and people like that.

DELEISSEGUES: Well, there's another possibility where you could form a huge multi-person partnership, you know, you have 20 people own the business, well, there's no employees but there's 20 people that show up so.

WRISTON: But you're not all going to be, you're not going to, and that's sort of -- I mean we're starting to get ludicrous because they're not all going to be meeting at your house on any given --

DELEISSEGUES: Hey, Lonnie got ludicrous with 50 pieces of equipment (inaudible).

WRISTON: Every day. He did get ludicrous, I'll give you that. But I think that what we need, this is my opinion, what we need to focus on is again that since we're dealing with amnesty a simple process, a time limit. And then going back to the matrix, and I like some of what I heard tonight in terms of saying rather than limiting it to equipment or something like that, limiting it to, and maybe it's, you know, I heard ten percent of the -- because some of this is so arbitrary and I remember Rich saying, well, that's our, you know.

LOWRY: Why don't you ask Gordy to talk about the area because there continues to be misunderstanding about the matrix as it deals with the amount of area that can be devoted to equipment storage. And that's the fault of the draft here, it wasn't clear.

EULER: Let me be clear if I can. The matrix has in a section that says "allowable outside storage" that's a fairly small number. The amount of business activity, the area that you can have business activity in, as defined in here for rural areas for major home occupation is not defined and there's been some confusion that the 500 feet says that's the amount of -- if I have two and a half acres that's all I can use for my business activity area. All this means is 500-square feet of storage, we don't put a limit on how much of your property you can use for your home occupation, for your parking, for your storage, for your turnaround, for your driveway.

WRISTON: You said "storage" though, yeah.

EULER: The business, yeah, the business activity area which is defined up here under "definitions." Let's see if I can find this here.

WRISTON: While you're trying to find that, though, I want to make the distinction, the activity area versus storage. So you'd be pulling stuff in and out every night?

EULER: No. Let me read you the definition. As in the Modified Task Force "home occupation activity area" or "activity area" means the defined outside area used in conjunction with a rural home occupation that includes all outside activities associated with the home occupation including but not limited to parking areas used for business vehicles and equipment, areas used for loading and unloading, worker or client parking areas and the areas used for outdoor storage if allowed.

LOWRY: So the outdoor storage area is a part of the activity area but --

EULER: The activity area size is not limited.

LEIN: That eliminates the concern of the one to one and a half percent.

EULER: That's correct.

LEIN: One half to one percent.

EULER: Now Jim in his testimony has said rather than using the numbers in the matrix put a cap on the amount of your parcel that you can actually use for your business. That would be tantamount to putting a cap on the size of the business activity area, but we didn't put --

DELEISSEGUES: Would there be any exemption to that? What if somebody had an outside horse arena that was covered and they had horse riding lessons and barrel practicing and so forth, there's quite a few of those around the county, how would they be handled with this?

LOWRY: They would not be covered by this ordinance. The rural areas have --

DELEISSEGUES: Agricultural.

LOWRY: -- separate provisions for recreational areas which those would fall into.

DELEISSEGUES: Even if they charged?

LOWRY: Yes. Yeah, those are permitted now but not as home occupations.

EULER: The drafters of the Task Force, to follow up, did not want -- did not see fit to limit the amount of your property you could use for your business activity, that's why there's no limits in here, and we were a bit confusing in the way we presented the material.

LOWRY: A lot of people have not understood because you have to go to the definitions to figure it all out and so obviously we need to do a better job of making that clear.

LEIN: I think what I'd like to do is take a break and then come back. I think we've had a lot of good dialogue talking about specifics, maybe we can get into answering the questions. Okay.

(Pause in proceedings.)

LEIN: Okay. Assuming that we're ready, we'll bring the meeting back to order. Are we ready, Ms. Rupley?

RUPLEY: Yes, Chairman Lein.

DELEISSEGUES: Ms. Rupley.

LEIN: Thank you. All right, Gordy, during the break you said we answered about three-quarters of these. Would you like to summarize that for us, please.

EULER: If I may summarize what I heard. Again, Gordy Euler, Clark County, Long-Range Planning for the record. I'm hearing a suggestion that some kind of an amnesty period with a time period to be determined for existing businesses to ramp down to meet some as yet to be identified matrix or standards, a simplified process linked to the amnesty period.

DELEISSEGUES: Gordy, could you reference that back to which question you're answering?

RUPLEY: Yeah, we want you to answer the questions, Gordy.

WRISTON: Either that or let's just get off this question thing here.

EULER: May I continue?

WRISTON: Yeah. Yeah, sorry.

EULER: And the question is -- I guess the question that's left in my mind is for a matrix, how do you want to handle what you have in front of you, which is no matrix or the Modified Task Force proposal or --

LEIN: Or a matrix.

EULER: -- or a matrix. So that's what I've heard so far.

MOSS: Well, you also heard some recommendations on what that matrix ought to include.

EULER: Or not include.

MOSS: Or not include.

EULER: I would like to for my own edification be refreshed on that so I capture it accurately.

RUPLEY: Before we do that I would like to also reintroduce when Matt Lewis did his testimony he talked about performance standards as part of the permit process and so maybe performance standards instead of a matrix or those kinds of things, I don't want to be stuck on one or the other.

LOWRY: Let me speak to that a little bit. The performance standards that Matt was speaking to are captured in Item 6 on this list and they're the nuisance standards plus the landscaping requirements, those don't speak at all to size and I think size is something we need to get a recommendation from the Commission on whether there needs to be some sort of size limitation on rural home businesses. There are also under Number 6 the nuisance standards is an issue regarding the -- currently the County Nuisance ordinance does not apply outside of urban growth areas and this ordinance was drafted with an assumption that it did, and so I think one of the what I think is a detail recommendations that should come from the Commission is that the County Nuisance ordinance be slightly modified so that it does apply in addition to -- well, it currently applies only in urban residential areas, I think the recommendation is that it would also apply to rural home businesses, that it would not apply generally to rural properties, but if a rural property was a permitted home businesses, home business, then it would be subject to the County Nuisance ordinance.

DELEISSEGUES: How would it have to be modified?

LOWRY: That would be a modification to another ordinance and I think it just a simple recommendation that that be carried forward would be sufficient.

RUPLEY: That's an easier thing for me to deal with than Question Number 6, are they adequate to minimize impacts on neighbors. I'm having a little trouble getting my hands around what these questions have to do with the ordinance, so I'd rather -- and from my perspective look at the Modified Task Force recommendations and go through those and have recommendations from staff about where you feel there may be a gap or something like that rather than this questionnaire. So that's the problem I'm having with it.

EULER: Mr. Chairman, I should add one more thing I guess. And to follow up on what Jada was saying just so you'll know, the Task Force recommendation, the Modified Task Force recommendation and the Rural Business Coalition, all contain statements about landscaping, screening and complying with the nuisance provision, so that's language that was common to all three drafts. We also I think agree with the Rural Business Coalition that we need to address the private road issue. So in spite of some of the comments maybe you've heard tonight, there is quite a bit of area of where there is agreement. Some things we do need to address, but you've warmed my heart by dealing with one of the bigger ones, which was how to address the existing business issue so.

LOWRY: I think if you go to Page 11 that contains the performance standards and the --

EULER: Section H.

LOWRY: Right. And Subsection 1 under that refers to Chapter 9.24 of the County Code which currently doesn't apply to the rural areas at all.

RUPLEY: And so then from us you would be interested in looking at how they would apply?

MOSS: Or a recommendation that they apply to it.

RUPLEY: Right.

WRISTON: Yeah, I think we ought to -- you're saying on Page 11 this H basically is saying that the WACs and odor, lighting, all that stuff, doesn't currently apply to --

LOWRY: No. The only one that doesn't apply is Chapter 9.24 in the lead-in sentence under 1.

WRISTON: Nuisance?

LOWRY: Right.

WRISTON: Okay. Yeah, I'd say that again during this amnesty period that performance standards there should apply. They're not -- believe me, I mean coming from my industry they're not that tough to meet.

RUPLEY: And then a modification that the nuisance --

LOWRY: That Chapter 9.24 --

RUPLEY: 9.24 be --

LOWRY: -- be modified to provide the it applies to home occupations also.

MOSS: And I think your comments are right on target --

WRISTON: Yeah. I mean if you can't meet those then.

MOSS: -- about the rest of the --

WRISTON: As long as we're not going beyond what's required by.

LOWRY: So that would mean that the amnesty would excuse compliance simply with the matrix?

BARCA: Exclusively.

LOWRY: Right. Exclusively.

BARCA: Yes.

WRISTON: Yes. Okay, so that's that.

BARCA: So good, we got that out of the way.

WRISTON: Should a lower Type II home occupation fee be considered? Yes. Critical Area ordinance and Stormwater. We're getting way ahead.

EULER: You're doing fine, Jeff. No, keep going.

RUPLEY: Where are you at?

BARCA: Make a **motion**.

WRISTON: No, on the critical area. And I will say this on the Critical Area ordinance and Stormwater. I did put a question mark on that one and I just I wanted that one we should talk about, there's a lot to talk about, but that one we should talk about a little bit. I don't know whether that's one that we want to, you know, we don't want to bite off more than we can chew.

LOWRY: There was some good discussion of this at the work session and I think the consensus was that if as part of developing the home occupation there were physically, physical improvements made to the property which would trigger those ordinances, then, yes, just like anybody else they would be subject to the ordinance, but the home occupation permit is simply authorizing a use, not a structure, not a creation of impervious surface, and so for purposes of issuing the home occupation permit these critical areas ordinances shouldn't apply.

MOSS: Well, then I think I'd make a distinction, though, between the critical area ordinances and the stormwater ordinances. Because while the critical area ordinances apply in almost all cases, the Stormwater ordinance does not for residential use in the rural area, there's an outright exemption. So I, you know, my recommendation would be that we follow along that same line.

LEIN: Well, we wouldn't be changing any standard there though.

LOWRY: No, but I think that is a good issue, though, Lonnie. I think because if somebody is creating a large parking area as part of a home occupation in order to put commercial vehicles on, then I mean I think it's debatable whether that activity falls within the same rationale for exempting residential construction from --

MOSS: Yeah. I couldn't disagree with that, yeah.

SMITH: So under this scenario we're saying size really doesn't matter; is that correct?

LOWRY: Well, I think we're getting back to the -- I think what we're doing is going through the rest of the matrix and then going -- or the rest of the questionnaire and then going back to the matrix.

SMITH: I just keep going back to Page 6 where it says "where the occupation is secondary to the use of the dwelling for living purposes and where the residential character of the dwelling is maintained," I think we're going to get pretty far from that if we're not careful.

LOWRY: And I think that's the matrix. The matrix is what tries to deal with that issue.

WRISTON: Right. I'm trying to --

DELEISSEGUES: And it's also the line we drew for being exempt, wasn't it?

LOWRY: Right. And the matrix is I think going to turn out to be the toughest issue you have to deal with, so maybe if we could continue down the questionnaire and get rid of the rest of these.

WRISTON: Yeah, I'll keep, I'll keep pushing. So we got CAO's and stormwater per the work session. Building permits, I don't think building permits should apply unless they're new buildings.

DELEISSEGUES: Well, unless it's outside the home.

WRISTON: Go ahead, Rich.

LOWRY: Well, here's the primary although not only issue --

WRISTON: I know. Isn't that weird.

LOWRY: -- here is ag buildings which were not generally permitted and there's an exemption from them that are now being used for other than ag purposes, for example, storing heavy equipment.

WRISTON: But you're not going to require them to get those ag buildings into compliance with current codes and standards.

LOWRY: At the work session I think the consensus was that if the ag building was not being occupied by the public or employees, that it was simply being used to -- and was simply being used to store that we should not require a permit. Now that, the County has -- this is not totally within the County's discretion, we're subject to what's called the State

Building Code which includes the UBC and a bunch of other construction codes, for us to -- well, the UBC on a change of occupancy from ag to whatever the occupancy was or is for storing heavy equipment, UBC would require a building permit. For us to put in an exemption would require that we get the approval of the State Building --

LEIN: Council.

LOWRY: -- Council. And we can request that but it's up to the Council whether or not they would approve it.

MOSS: But we have kind of an odd situation here because if I understand correctly we wouldn't require a permit for an agricultural building if we had -- if we were storing farm equipment in it or if we had farm employees working in it?

LOWRY: Correct.

LEIN: But you transform that into a small cabinet shop --

MOSS: But for the same building --

LEIN: -- and you have permanent employees working in there in different elements than what agriculture is there becomes a life safety issue and to protect those people --

MOSS: You do. And I'm thinking more particularly about the storage of vehicles though and not -- I guess my preference would be that we would be silent on that.

LEIN: I think that's what the discussion was at the workshop was if it's going to be continued to be used for vehicles, maybe not necessarily farm vehicles but for construction vehicles, that would be allowable.

WRISTON: Or non and non public but nonemployees so that principals and things could --

LEIN: If it's not an occupiable space.

MOSS: Yeah. But I think, Rich, weren't you saying just the opposite though, that if it were really converted and used in some non-ag storage capacity theoretically it should --

LOWRY: Yes. Because the ag building has never been permitted but never been tested for UBC compliance. If it's no longer being used for an ag purpose, it clearly has to by the letter of the UBC be permitted. Now you're suggesting that, so you're saying that -- you're anticipating that we would not get an exemption from the State, and I think you're probably right, and therefore you're saying we're probably better off not addressing this at all, this issue at all in the ordinance. The current ordinance requires that a home occupation structure receive appropriate and required UBC approval, so that suggests that we take

that language out and simply don't address the structure at all in this ordinance.

BARCA: Now are we distinguishing between the aspect of these businesses that we're applying amnesty to or are we talking in --

WRISTON: No, this is just pure both I think.

BARCA: Because when we did the workshop the discussion was specifically around the aspect of the businesses that we were trying to apply amnesty to, then in that case we were saying we didn't want to go and back into permits for the existing uses that were there. And we weren't going to require stormwater compliance for the existing use that was already there, but when that business either needed to expand within the confines that was going to be allowable or it had to modify itself to maintain its acceptable nature within the confines of the matrix, at that point in time we were going to trigger stormwater and building permit requirements.

MOSS: Well, I think the distinction that I'd make here, though, or the -- I guess what I'm considering is that we have a lot of existing ag buildings out there right now, many of them are recent construction, pole buildings and whatever, and I'm bothered by the prospect that somebody couldn't use one of those to store a piece of equipment. For example, to drive a backhoe into a barn and just leave it, you know, that's, and, you know, whether it's a new business or an existing business I think, you know, my attitude about storage is a whole lot different than it is about having employees working inside of that building on a regular basis.

LEIN: I don't think we're arguing with you.

BARCA: No.

DELEISSEGUES: No. No, I don't think so either.

RUPLEY: So the answer's c.

DELEISSEGUES: Rich, were you suggesting that we just have language in here that addresses where employees or the public are present and take the other out?

EULER: That was one of the suggestions that we came up with with the Rural Business Coalition team as a kind of a compromise.

DELEISSEGUES: Yeah, that's what I think would answer this problem and just --

EULER: And but Rich is saying we'd have to go to the State and ask for an exemption in order to allow that to happen.

LOWRY: What we're specifically dealing with again is under Sub H, Page 11 on Number 2 which requires valid building permits for home occupations. Now I think what -- if I'm correctly understanding Lonnie, what I hear him saying is we simply in this ordinance don't talk about building permits.

WRISTON: And then -- well, okay, sorry.

LOWRY: And I think what that would do I think is if someone wanted to establish a paint shop in a barn, then there's no way that's going to get approved by the County unless they go talk to the building officials and make sure that they have the right (inaudible).

MOSS: No, I think you're mischaracterizing what I was saying. I think that if we have employees working in that building on a regular basis, I agree that -- and I think that was a result of the workshop that we all believed that those should be brought up to code or at least to the code, you know, that was in effect when the building was built. Well, of course that may have been no code, but I'd make a distinction between that and simply storing equipment in there. I'd rather that we be somehow silent about the requirement for bringing a barn up to a current building standard just so we can drive a dump truck in there and leave it.

LEIN: But an ag building is already permitted, it doesn't even have to have a --

MOSS: But this isn't an ag use.

LEIN: Yeah.

LOWRY: I guess, Lonnie, I agree that that's -- that was the consensus at the work session. My difficulty is if we say that you'll prove up building permit if you have employees or the public the implication is you don't have to prove up building permit if you don't have employees or the public and that's a de facto amendment to the --

MOSS: UBC.

LOWRY: -- UBC.

MOSS: Right.

WRISTON: Let's just be silent.

MOSS: Well, then you've got the problem that Rich mentioned that you can operate kind of any kind of business in any kind of building.

WRISTON: No, you've got the UBC and --

LOWRY: I guess given the choices I'm more comfortable I think in going ahead and claiming it's not a de facto amendment and putting in a provision saying Sub 2 applies only if you do have employees or the public.

EULER: Which is c on our list of --

WRISTON: How about for existing?

LEIN: Yeah, that's the question. This implies -- it says all. Now if we're going to grandfather or create amnesty for certain businesses, they may have done construction and usually it's in an older establishment that it won't meet code today anyway and if it's preexisting the code official unless you're going to renovate it to a certain degree will allow changes without sufficient number of codes being met, the current code.

LOWRY: I don't know that there's a good justification for treating preexisting businesses differently than new businesses as to this issue. If what we're saying here is that if the structure is being used for storage only and it's not being occupied by employees or the public, then I think it unlikely that this will become an issue.

MOSS: Well, what about those -- what about the smaller home business that's in a pre-1969 home since building permits have only been required since 1969. Does that mean that a 1968 home would have to get a building permit?

WRISTON: No. I think that -- I mean that was my distinction with new buildings or whatever. I mean if that's the legally established. I mean if they're in a --

LEIN: See, that's almost the difference here.

WRISTON: You're not going to require --

LEIN: You almost want to say all new buildings because you're not going to go back and make a homeowner upgrade a facility because they've been using it that way for the last 20 years.

LOWRY: If it's -- yes, we would if they had been using it that way illegally. If they had -- if these businesses that had started it up since we've required building permits and have never complied with the occupancy requirements for their business, then --

LEIN: But many of them are running their business out of a back bedroom or they've modified a family room into an office situation.

LOWRY: And I don't think the mere fact that there's a -- that somebody's using a room in their house for an office changes the occupancy, but if somebody for example is manufacturing something, particularly if they're using flammable materials, then it probably

does change their occupancy.

LEIN: I would agree with that. I'm talking office use.

MOSS: Well, you could have a two person accounting firm with one employee, though, housed in a 1950's house. Would we require them to bring that up to standard, Rich?

LOWRY: That's a rhetorical question. If they're tearing down walls, yes.

LEIN: But if you're not doing any improvements, no?

LOWRY: I wouldn't think so.

LEIN: So really we're worried about the hazardous types of occupancies that can potentially cause injury to the public and/or employees?

LOWRY: Well, frankly the focus of this entire exercise has been on heavy equipment.

BARCA: But we can't ignore the other aspects of it. The heavy equipment issue is almost segregated from what we're in discussion with right now. And I think back at the workshop when we had this discussion before we didn't really speak of amnesty in this fashion, we talked about it more in the context of grandfathering, and in that regard I think we had come to somewhat of agreement to let the existing businesses get permitted and get legalized but without the potential for growth unless they chose to comply with all of the rest of the ordinance. Now as we start to craft this in a different fashion and start to use the terminology of "amnesty" we're looking at some type of limited period in which they can be out of compliance, but eventually they're going to have to come into compliance of the letter and intent of this ordinance. And in that regard the different types of examples that we've thrown out I don't see how we're able to allow one segment of it to skirt the intent while the other ones are going to be forced into compliance whether they're handling flammable stuff or whether they're an accounting firm. If indeed we're talking about amnesty, it's only going to be a matter of what period of time we're going to allow them to be outside of it.

LEIN: But you can't grant amnesty for building code. If you -- if a building official comes in and finds that you have changed the use, and that's primarily what Rich is talking about, it's from an ag to now they're doing a paint booth in it or they're doing something that has potential injury to the public or employees, you cannot get around that under the Uniform Building Code, it's a violation of the Uniform Fire Code primarily.

RUPLEY: But then doesn't that -- if they've changed the use doesn't that invalidate the home occupation permit?

LEIN: No, it's a separate issue.

MOSS: But the fact that there's a home occupation business there could itself be construed to be a change of the use.

LEIN: Because they're illegal.

RUPLEY: A 1960's house.

EULER: It is, which is why we're going through this exercise.

MOSS: Can we --

EULER: I just had a note here and for what it's worth at the workshop we changed the wording of c, 9.c. on the list to say just to outbuildings where there are employees and/or the public. I don't know whether that changes your thinking, but that's the note I had from our November 6th work session.

LOWRY: Which doesn't make a lot of sense if a home occupation is painting cars in a garage, I mean we want them to -- I would assume we all would want them to come in and get retrofitted so they're up to snuff for that use.

EULER: Code Enforcement came to one of the Task Force meetings and said I think on a question that came up 90 percent of the illegal businesses they were finding were in ag buildings that had been converted, which means they weren't permitted originally.

LEIN: They were built as an ag building --

EULER: Built as an ag building.

LEIN: -- with no permit and then modifications have been made for other uses.

EULER: That's correct. That's correct.

LOWRY: Perhaps the best we can do is to keep Sub 2 the way -- in the ordinance the way it's written but put in an exception for outbuildings that are used solely for storage and not occupied by the public or employees. And I think that what that will do is if somebody's coming in for a home occupation where they're going to be having a couple of accountant employees, in all likelihood we're not going to ask the question. If somebody's going to come in for a use that clearly needs building code review, then we will.

MOSS: What are you going to do about a complaint?

BARCA: What?

LOWRY: I guess I would say that it's more likely we get the complaint on the person who's doing auto painting than the person who has an accounting business.

MOSS: Or from an informed neighbor who knows that the house was built or the building was built with no building permit.

LOWRY: Well, you mean because it was built that long ago?

MOSS: Yeah.

WRISTON: You got to exempt those.

LOWRY: You can come up with this parade of horrors that nobody can answer.

WRISTON: Well, we can exempt those, there are a lot of homes.

MOSS: No. What I'm absolutely concerned about is that we may be creating a trap here thinking that we're accomplishing something by allowing these businesses to continue and flourish out there, but in fact technically making all of them or the vast majority of them illegal. And that does concern me. You know, that's if in fact, Gordy, what you said is true that most of the Code Enforcement problems out there or the reported violations are businesses that exist in converted ag buildings, then, you know, maybe this whole discussion that we're having is academic, that none of these businesses can comply in any event. Most of them can't.

LEIN: Well, to me it means that they haven't paid or didn't know about any regulations in terms of getting a home occupation permit. They also ignored in some cases if since 1969 the fact that you had to have building permits to make modifications.

MOSS: Yeah. And certainly to make conversions from an agricultural building to another use.

LEIN: And for an example if they're using a paint booth in an old barn and it was done prior to 1969, they're probably out of compliance with these codes.

MOSS: I'm not worried about the paint booth, though, because there are other regulations other than UBC that control that anyway. I think that that can be, that can be regulated. I don't know that there's an answer to this.

LOWRY: Again, and because this is largely out of our control in as much as any attempt to modify how the UBC applies requires State approval and I doubt we'd get State approval because of the precedent it would set statewide, I don't think there is a good way we can craft an ordinance to reach middle ground.

MOSS: Well, you know, I guess I would comment that Question 9 probably doesn't belong on this page, then, because of that if we, you know, if there is no answer that we -- if we have no latitude here, we probably ought to just scrap the question.

LEIN: Well, whether you scrap it or not it's still going to be subject to Code Enforcement if there's a complaint.

LOWRY: I suppose the choices are that we attempt to address it or we intentionally do not address it in the code at all on the issue of building permits.

WRISTON: If you have a home occupation business in a house that was built in the '40's or '50's or pre requirement of building permits, they wouldn't be required to go back and get a building permit, would they? I mean that's like illegally. Then that gets back to mine, they were legally established prior to building permits.

LOWRY: That entirely depends upon whether the constitution of the business results in a change in occupancy of the residence. If it results in a change in occupancy of the residence, then yes, a new building permit would be required. And I can't answer whether --

WRISTON: What's a change in occupancy of the residence?

LOWRY: I can't answer that. I don't -- it well could be that having an employee in a residence changes the occupancy of that residence but I don't know.

LEIN: I don't think it's that drastic. But if you had a home and you put 15 accountants in there, instead of having a home or just one bedroom you've changed the occupancy of that.

DELEISSEGUES: That's a change of use.

LEIN: That's a change of use.

WRISTON: So it's fairly drastic?

LEIN: Correct. Usually it's like sometimes a 25 percent rule. If the change in use is over 25 percent.

LOWRY: 25 percent of the area of the --

LEIN: Correct.

MOSS: Well, maybe that's where that magic number came from in the standards here.

DELEISSEGUES: May be.

MOSS: It seems to me like almost by definition that we're saying, you know, the occupants or the business here is just a collateral use of this home, that the fact that there's simply an employee there wouldn't necessarily make it a change of use unless, you know, obviously if you've got 12 employees there, then it becomes less a home and more of a business but --

LEIN: But if we go by the definition of "owner occupied," the kitchen and bedroom and bathroom, it's owner occupied and all the employees come in, but you've got a change of use because of the number of other employees there. Or if you look at a, you know, 1400-square foot home and they're using a 20-by-20 attached garage as a mechanic space, that's going to exceed the 25 percent and that's a different change of use too and probably -- and actually is in violation of what this says. There's going to be a whole bunch of these kinds of cases that come up as they come in for permits so the challenge is going to be for the County to decide how to simplify the system and also determine what kind of liability there is if they don't challenge some of these change in uses. If they develop a system that just we create amnesty for a lot of these businesses and there's really been a change of use which creates a more hazardous issue for the occupants and the general public, there's going to be a certain amount of liability of I think from my standpoint on the County for accepting that.

LOWRY: Generally we would not have liability under what's called the Public Duty Doctrine. There are exceptions. One of the exceptions is where we're dealing with hazardous conditions. And so if we tried to create an amnesty for a painting booth, then, yes, we would have the liability exposure. If we --

LEIN: For an office you're not going to?

LOWRY: I don't think so. Nor for storage in a barn. But I'm tending to think if we want to allow that flexibility, the best way to do it is simply not address the issue of building permits in the ordinance at all.

SMITH: How about something like fire egress, would we get liability there?

LOWRY: Well, fire -- again if it were fire egress in an ultrahazardous operation, then, yes, we could have liability, but otherwise no.

LEIN: Okay. So we don't include this in the ordinance, that takes care of that really easy.

WRISTON: We're not mentioning it? That's where I was about 45 minutes ago. That's what I threw out about 45 minutes ago. Okay. Number 10 no. I'd say Number 10 no.

RUPLEY: Yes.

WRISTON: You want "yes" or "no"?

RUPLEY: Yes.

WRISTON: You want a periodically review it?

RUPLEY: Well, if we're going to do the amnesty are we going to put a time frame and then see where they are?

WRISTON: No, they just use it or lose it.

RUPLEY: So right up to the end.

MOSS: We're talking here about all businesses.

WRISTON: I guess the only reason why I say "no" is because we always say we're going to periodic review something and we never do. The Critical Areas ordinance, I mean I could list if I had to go back into my, you know.

LOWRY: This is not an issue that staff is recommending.

WRISTON: Yeah, I didn't think so. If it works, it works; if it doesn't, it will come back in front of us or we'll hear about it and it will get it on the work plan. But to say we're going to periodically review it we're kidding ourselves, we never do it. That's what periodic --

RUPLEY: And I agree with that.

WRISTON: And, you know, if you say that you've got two years to comply or whatever you use it or lose it, then that's over.

EULER: If I may, the nature of the question is a little different. We've -- one of the models we used in drafting this was Clackamas County's ordinance and they do, they review all home occupation permits on a regular basis and they charge.

LEIN: To what degree? Do they go out and review the site?

EULER: Whether or not they're still in compliance with the terms and conditions of whatever level of permit was in their case was issued.

DELEISSEGUES: Gordy, do they review all of them? Like for example if we had a category that's exempt, they wouldn't review? We aren't talking about reviewing those?

EULER: Their only issue is actually issued permits. I've talked to a planner down there

who wrote their ordinance. They charge -- they said their fee is \$177 and I think that's good for three years and every three years you got to renew them.

WRISTON: You have to come in and renew it. It's a money generator then.

RUPLEY: Does that include a site visit?

WRISTON: You have to come in and renew it. You have to come in and give them a fee to renew your permit. We have a different problem here that we're trying to resolve, we don't have any permits. I think we ought to bite that first before we start --

RUPLEY: Next time.

WRISTON: -- generating -- I mean I don't want to be facetious, but I think that's what that is, every three years you need to come in and, you know, pay \$177 and they're going to tell you --

EULER: Or whatever the fee is to say I'm still --

WRISTON: Or whatever the fee is. To me that's like a license.

EULER: -- I'm still complying with the terms and conditions of the original permit if you've got one.

DELEISSEGUES: It seems that the way we set this up though --

WRISTON: I don't like it.

DELEISSEGUES: -- we wouldn't need to do that because we've got standards and we've got road, you know, maintenance agreements hopefully that everybody's in agreement with. So the only ones we would need to deal with would be where there was a complaint or a --

EULER: Right. And we have Code Enforcement to finish the job.

SMITH: Is anything that's nonexempted and all automatically fall into the Type II category as far as fees?

LOWRY: No.

SMITH: How many? I think originally we thought there were like 40,000 home occupants, it was a rather high number --

LEIN: 3,000.

MOSS: The high number was 8, wasn't it?

SMITH: 8,000?

LEIN: I thought it was 3,000.

SMITH: We're all over the board. What percentage of those do you think will be exempted from through this?

EULER: We don't know.

SMITH: You have no clue?

EULER: I did get some information from the State economist yesterday that said that in the 2000 census there were about 7,000 people in Rural Clark County who said that they worked at home. Now does that mean they have home businesses, does that mean they have home businesses with employees, I can't put any more definition on it than that.

LOWRY: That's real misleading because I think a rural excavator would claim they do not work at home.

MOSS: Yeah. Yeah.

WRISTON: Okay. Well, I hate to --

LEIN: Move on.

WRISTON: -- move on but --

RUPLEY: Is he chairing?

LEIN: Yeah, he's chairing.

LOWRY: The only issue I think that you haven't touched on yet before we get back to the matrix --

WRISTON: 4 and 5 is where I was headed.

LOWRY: Exactly.

WRISTON: Which we haven't touched on either of those, but 5 is private roads and we need to talk about those.

DELEISSEGUES: Well, I think we did talk about roads quite a bit in the workshop, you know, where we talked about if it's a private road and there's a road maintenance agreement and everybody's in agreement with, you know, the conditions of use I guess, how much money is going to be provided for the use of the business to maintain the road.

LOWRY: I think 4 and 5 are interrelated. I think the consensus as I recall at the work session was to treat all permitted home occupations as Type I's, and then the issue is if the home occupation is on a private road and doesn't have the consent or sign-off or road maintenance agreement with all the neighbors do you then kick it to a Type II so that we have a process by which to decide whether or not the operator of the home business has stepped up to the plate and I think there was some discussion we ought to only have to do that where it's a home occupation that has extraordinary impacts on the private road, not if it's one that does not.

WRISTON: I agree.

MOSS: Right.

RUPLEY: And I also, you know, rather than kick it to a Type II, you might look at a Type I plus because I think we go back to that evidence of mitigation in terms of you may not have a road agreement because you might have one holdout and is that a fair thing for that business.

LOWRY: The reason to kick it to a Type II is Type I's involve no notice to the neighbors, whereas you don't get notice to the neighbors until you get to a Type II. I think it's more important to keep the integrity of our typing system than it is to -- I mean and if that presents an issue in terms of cost, then I think it would be preferable that you recommend kick it to a Type II but reduce the cost of the Type II.

EULER: That's what the staff is recommending is that we II because of the public notice aspect. We don't want to find ourselves in a situation of knowing about an activity but not -- that could have impact and not informing neighbors if it was some degree of impact. So the idea is that it would be a II, but we also feel that we should look at reducing the Type II fee.

LOWRY: And a rationale for reducing the type fee is if you also say the only issue at the Type II proceedings would be the private road, that the staff would have already made a determination that this proposal qualifies for the permit, but for the issue of the private roads so it's a single issue that needs to be addressed, therefore perhaps a lesser fee makes sense.

LEIN: But were you trying to document, though, is the applicant stepping up to the plate to do their fair share of taking care of the road, and if they say I'll take care of the entire road for everybody and everybody still objects he would be, he or she would be permitted to go

ahead?

LOWRY: Yes.

EULER: As long as they otherwise met the standards that were in the ordinance, yes.

WRISTON: Okay. You guys are going to write all this up; right? You're tracking and -- all right.

DELEISSEGUES: Mr. Chairman, Jeff, of course --

WRISTON: And for the record, I was just going to say for the record I'm not chairing, I'm just moving --

EULER: You did a good job, Jeff.

DELEISSEGUES: According to my records, then, we've addressed all the issues.

WRISTON: Well, Number 4.

DELEISSEGUES: No, he said 4 and 5 went together, didn't you?

WRISTON: Well, 4 is that what type, we haven't talked about whether it's a Type I or Type II. Do you guys think you got sufficient direction on that?

LOWRY: Yeah, I think you recommended --

WRISTON: Then we're on to the matrix.

LOWRY: Yeah, back to the matrix.

LEIN: A matrix.

DELEISSEGUES: We even did the matrix.

EULER: I am writing a matrix down.

WRISTON: I want Vaughn to call for the vote though.

LEIN: Thank you.

DELEISSEGUES: Do you want me to go through this?

LEIN: What, the matrix or the entire thing?

DELEISSEGUES: No. No, all of our answers here.

WRISTON: What, in a motion?

LEIN: Well, have we resolved the matrix?

DELEISSEGUES: Yeah.

MOSS: I don't think so.

DELEISSEGUES: I thought we adopted Ron's suggestion that we take the last lines --

WRISTON: Well, I think Ron's got some ideas.

DELEISSEGUES: -- off of the matrix and call it good.

EULER: Mr. Chairman, if I may, a bit of background about the matrix. What you -- the first thing that's evident about the matrix is we've -- the Task Force which recommended this felt that the size of parcel was important. And Rich and I have talked about this a number of times, it may or may not be the best way to ensure that you get good setbacks and landscaping, but the Task Force thought that as one way to look at this, the more land you have, the more activity, the more pieces of equipment, the more employees, and all that, you should be allowed to have. I think it's been said that the numbers are arbitrary. Any time you set a standard, as Rich pointed out earlier, if you say you set a setback or height limitation, those are arbitrary numbers. The Task Force wrestled with this as a way to identify some kind of community standard that addressed this issue.

If you recall, this process started out as the Rural Industrial Equipment Product and Storage Ordinance or what we affectionately termed RIEPSO.

BARCA: Affectionately.

EULER: I'm not suggesting that we use that acronym, but the point I'm trying to make is that equipment is what is -- and some of the problems that were perceived with storage of equipment is what got us here so the -- what you see in the, in the matrix was an attempt to come to some understanding as a community standard. The Task Force, they wrestled with this almost from start to finish. In their -- in the process, the number of meetings that they held, they came up with these categories and worked and essentially artificially defined, you know, parcel size. So that's a bit of background as to where the matrix came from.

LEIN: Lonnie, I think I heard you say you didn't feel we had any kind of agreement yet.

Was I mistaken?

MOSS: No. I want to make some comments in response to what I had heard earlier about the maximum allowable use of accessory structures and also the maximum allowable storage areas. I do think that those are too small. I'm particularly concerned, you know, we have 20-acre parcels and above and we're talking about 3,000-square feet of storage area, and that's virtually any kind of materials, and I'm thinking for example the folks who were here that operated the landscape business, I'm thinking 3,000-square feet of storage of landscape plants, and these are materials that are used in their business, you know, that's a very small area for something like that, and yet it seems to me that that storage area would apply in that case, these are plants that are stored on-site.

LEIN: They wouldn't fall into that, would they, Rich?

DELEISSEGUES: No. I thought this said structures.

MOSS: Why not?

LOWRY: Well, if they were -- if in fact they were growing the landscaping material, then clearly not. I mean that would be an agricultural use but --

MOSS: I'm talking about bulb and burlap plants that you might have stored.

LOWRY: Right. And if they were simply commercial plants that were purchased someplace else for purposes of landscaping, then I think Lonnie's probably right, it would fall within the storage limitation.

DELEISSEGUES: But aren't we talking about structures here, covered buildings, structures?

LOWRY: No, this is the outside storage.

MOSS: No, this is outside storage.

BARCA: Yeah, allowable outside storage.

DELEISSEGUES: On Page 12?

EULER: No, we're in the matrix.

DELEISSEGUES: Okay, I see what you mean. I don't think there would be a limit on that at all.

MOSS: You know, it seems to me, you know, I've done a little calculation here too and

particularly under the, you know, at 20 acres we're talking about three-tenths of a percent of the area of the property and it seems to me that's extraordinarily small.

WRISTON: Well, I heard ten percent.

LEIN: Yeah, we've heard a lot of ten percent in testimony.

WRISTON: That to me sounds like --

LOWRY: But that ten percent was --

BARCA: Activity area.

LOWRY: -- was related to, yeah, the activity area, thinking that's all you could use for the entire business. So I mean one option would be to say ten percent for purposes of the activity area.

MOSS: Right now we don't have any limitation on an activity area.

LOWRY: Right.

EULER: That's correct.

MOSS: Okay. But we do have a limitation on storage area and we have another limitation on the size of accessory structures, and, you know, 3,000-square feet as I said on 20 acres seems to be extraordinarily small. I, you know, that's to look at this on a parcel map, you know, that would be a dot.

And I guess my comment is pretty much the same on the maximum allowable use of an accessory structure, and what I'm looking at there is that there are still lots of ag buildings out there in the rural part of the county and some of them are old barns that are over 100 feet square, you know, that's 10,000-square feet, and essentially we're saying that you couldn't use that building, you know, or you could only use 3,000-square feet of that and I'm not sure that that makes any sense at all if you've got an existing building there. Whether it's an existing business or a new business I'm not particularly plagued about buildings over 3,000-square feet, they're not out of character for a 20-acre lot, nor are they out of character really for a 5-acre lot. You know, I think when you get down to the smaller lots, you know, this becomes more and more important, but it seems to me that the storage area size and the building size could almost go up exponentially, you know, as the property gets bigger, particularly if this is located toward the interior of the property, you can be several hundred feet from the nearest property line, who cares whether somebody's got a half an acre of storage a few hundred feet from the property line.

BARCA: If indeed that's the case. But we do have to concern ourselves that they could be

at minimum setback and then you're talking a 10,000-square foot building adjacent to somebody's living space.

DELEISSEGUES: But realistically how many businesses are going to have, you know, a 50,000-square foot building or a 10,000. I kind of agree with Lonnie, I think when you get to above five acres maybe we ought to address it in terms of, you know, buffer zones --

BARCA: Of percentages.

DELEISSEGUES: -- or setbacks rather than size of the building because I don't think there's going to be --

BARCA: Okay. And that would be a legitimate way of taking that concern because I say right now we are working with minimums and we do have to address the aspect of I think worse case scenarios in this and not, you know, what we would hope for would be common sense because individual lots under individual circumstances don't necessarily mean that that's what's put forward. So I do think that the storage comment, I had already had that written down and I thought allowable outside storage was far too constrictive for the types of businesses that would be taking place out there.

Maximum allowable use on the accessory structures it seems to me since we've said over and over again that size of the business does matter that we have to take into consideration the idea that sooner or later we're going to say that the business has outgrown its rural roots, I do think we need to have some reasonable cap on when that size of the structure in relationship to the number of employees is going to reach some arbitrary yet meaningful number as well.

EULER: But, Mr. Chairman, if I may add one clarification. This where it says allowable square feet in the use of accessory structures, that doesn't say allowable size of accessory structures.

MOSS: Oh, I understand. My point, though, was if you've got a 100-foot square barn and it's 10,000-square feet, then I don't see any point in limiting the use of that for storage purposes for example, you know, to one corner of that merely because we're only going to allow 3,000-square feet of accessory structure. And that could be the case. And I, you know, I know that's been the way that many home occupations have been handled in the past is that only a certain percentage of the structure could be used for that.

EULER: Part of the Task Force thinking was is try to keep that same for better or for worse thought process alive when it looked at accessory structures as well as the -- a percentage of the dwelling itself so.

MOSS: Yeah. Well, and I'm thinking, particularly if I'm reading the ordinance right, let's say that we've got a lot of equipment to store and we've got a 100-foot square barn and we

can store that in there, you know, that wouldn't be allowed here, but we could leave it outside, which is the better of the two. I would, you know, we've heard some recommendations for ten percent, you know, I'd suggest even two percent would look to me enormously more palatable than what we've got here. You know, two percent for example on a 5-acre lot would allow about a 4,000-square foot building to be used, which isn't out of character for five acres.

EULER: I should add too the Task Force I think was most concerned with smaller lots and so I think the recommendation to open it up and make it larger for larger lots would not be inconsistent with the Task Force wishes. They're concerned about two-acre lots, one-acre lots, things smaller than five. Some of the Task Force thought you should have -- there should would be 5-acre minimum for a rural home occupation, not two and a half. A couple of people thought 10-acre minimum. So I think you're -- that would be a good solution.

DELEISSEGUES: If we could come up with some number, though, like ten percent for the maximum allowable activity area including storage building, storage space building, just put that, we could get away from having a matrix at all because all the rest of these things are covered under the standards back here.

EULER: Yeah. My only concern with that is enforceability because then you're into some kind of way in the permit process to delineate what that area is with probably a scale drawing and you've got to be able to show that if you've got 20 acres that you're using less than two acres. I don't want to put the -- it seems to me it could be burdensome for the applicant to prove up that they were using less than ten percent or two percent.

MOSS: Yeah, I agree with you. But I also agree with Dick. Dick, currently what we've got is no limitation on the activity area so that really doesn't have a place in the matrix. But I think --

EULER: We could add one.

MOSS: -- we could get rid of most of this matrix if we did apply --

EULER: It would just fall into that.

MOSS: -- two percent, five percent of the property area.

LEIN: Well, if you use two percent all across and you started with two and a half acres, you could have almost 2200-square feet, at 20 acres you could have about 17,400 acres, I mean square feet, which is a good-sized structure.

DELEISSEGUES: But it doesn't all have to be structure, does it?

BARCA: But now, yeah, we're talking activity --

MOSS: No, we're not talking activity area, we don't have any limits on activity area.

LEIN: At this point. We're talking about storage --

MOSS: What we got is a limit on accessory structures --

BARCA: The suggestion was --

MOSS: -- and a limit on storage area.

BARCA: The suggestion was put forward to get away from structure size, storage size, and go exclusively to a percentage for activity area that allowed the construction of a building and the storage of materials all within the confines of that.

LOWRY: Remember that currently the activity area is defined to only be the outside portion of the business, it does not include the accessory structure or any portion of the home that's being used for the business.

BARCA: But that's our definition that's on here now?

LOWRY: That's the definition that currently exists.

BARCA: All right. And we could modify that?

LOWRY: I'd question, though, whether it makes sense to allow somebody to put up a building that used -- if you include buildings in the activity area that includes the entirety of the activity area. I mean you could get particularly on the smaller lots something pretty absurd.

MOSS: You could. Right. Depending on the size that you chose.

BARCA: And on the size that you chose, right. And Vaughn's suggestion at the aspect of two percent on a two and a half acre lot sounded very marginal I think would be a word I would use in regard to the impact of it. 2200-square feet total, that would be your total activity area that would have to include the building, parking.

MOSS: Well, I think that would be pretty restrictive.

WRISTON: I mean Vaughn's comment was accessory structure.

MOSS: They're going to be very restrictive.

LEIN: I was looking at structure only.

BARCA: Oh, structure only. Okay, I stand corrected, I thought we were talking the entire activity.

LEIN: Because, you know, 2200-square feet may be smaller than the house and that's going to be very difficult to have movement area, any kind of parking, client area.

BARCA: But the matrix isn't dealing with the house itself.

MOSS: The activity area is.

BARCA: Pardon?

MOSS: The activity area is.

LOWRY: But not the house.

LEIN: The activity is purely ground area --

BARCA: Yeah, not the house.

LEIN: -- it doesn't include any structures.

LOWRY: Just the outside areas that are devoted to the business.

MOSS: Oh, all outside. Okay.

SMITH: But it says the storage has to be within the activity area.

BARCA: Yeah, storage does and accessory buildings, aren't they in --

LOWRY: No.

EULER: No. Accessory structures are not included in the definition.

LOWRY: Now presumably the accessory structure will be adjacent to the outside activity area.

DELEISSEGUES: Why couldn't you say activity area not including the house, the residence?

LOWRY: It doesn't include any structures. By definition the activity area is outside.

WRISTON: They leave that blank for --

DELEISSEGUES: So why does this 2200-square foot house have anything to do with the activity area?

MOSS: Well, we've decided it doesn't.

WRISTON: Did they leave the activity area blank for a reason? They felt it should be blank?

BARCA: Who "they"?

EULER: No need, the Task Force didn't feel any reason to define it, it would be if you had a business where you had to bring a semi in to turn around, you'd need a bigger area.

WRISTON: They weren't worried about it, good.

EULER: If you had a little -- if you had a, you know, Joe's Electrical Contractor and that's all you had, you define that as a smaller area.

WRISTON: Good. So if we went two percent with the accessory structures, then the question's going to be what's our allowable outside storage and maximum number of nonresident employees and we're done.

EULER: I think the issue -- the reason we didn't define the extent of the business activity area was by definition in the standards that area has to be screened, landscaped and screened from adjacent residences, and so we thought by virtue of the size of an area you'd have to screen would be incentive to keep it small.

WRISTON: Yeah. And don't get me -- I think that's, I think that's right and I think that's good.

EULER: Thank you.

WRISTON: You bet. And so my suggestion would be we got two percent for the accessory structures, we don't define what the maximum activity area is because that's taken care of elsewhere with the screening and all, and so the question now would be the allowable outside storage.

LOWRY: Well, I would -- you're right, if you get rid of the last three blocks. I think the difficulty with getting rid of the last three blocks is those are really where the limitation on the magnitude of the business is found.

WRISTON: Well, I agree. But I also agree personally and that we get rid of those last

three and just limit the storage, outside storage area rather than limit the pieces of equipment.

LOWRY: Then you could have a -- well, on a very large parcel you could have an unlimited number of pieces of equipment and I think we get to Carey's issue should we then go back and change the purpose of the ordinance so that the business no longer has -- is intended to be secondary to the home. We now have -- we're changing the ordinance to instead of home occupation, occupation with somebody living there.

WRISTON: But it just becomes -- I don't know. I don't know. It becomes a little asinine after a while to very arbitrary to say, okay, two and a half to five acres, one vehicle, one trailer, one piece of heavy equipment. I mean who. And then we go to two and then we go two, two, three and then three, two, three and then three, three, four and four, four, five, where did those numbers come from?

LOWRY: I think they came from long debate and an arbitrary decision and you can --

WRISTON: I know where they came from, but I mean nothing --

LOWRY: I don't know how you deal with the issue of magnitude without numbers.

WRISTON: You can deal with the issue maybe you limit it then. You can use "allowable outside storage" and then put a maximum if you're concerned that you're going to have 100 trailers on a 20-acre parcel or something like that.

LOWRY: Why wouldn't you have that potential if --

WRISTON: That's what I'm saying. I mean if you're concerned about that then, you can put a maximum or something.

EULER: It would be easier to count pieces of equipment than measure how big of an area somebody's using.

WRISTON: But it's much more arbitrary to -- I mean it's just to say that to me when I'm looking at in my mind thinking of a two and a half or a 5-acre parcel and I'm saying X amount of square feet is going to be occupied contiguous so that it's not, you know, so you're not talking about a truck, trailer here, a trailer here, a trailer here, but contiguous area is going to be occupied. I can think of it in my mind and think about what the impact is versus saying, okay, you get one trailer, one vehicle and, you know.

LOWRY: Well, I'm not going to argue in favor of these numbers because I didn't go through the Task Force process so I don't know where they came from, but from an enforcement standpoint and from the standpoint of trying to have a way to deal with magnitude so the home business stays secondary to the residence, I don't think there's

any way to do it other than numbers without again arguing that these are the right numbers.

BARCA: You limit the number of employees. I still think that that's more appropriate.

MOSS: You know, I do too, I concur with that. And I think while theoretically we could have a few employees and an infinite number of machines out there, it can't work that way. I mean who would be operating the machines.

BARCA: Yeah, there's only so much capital you're going to tie up in equipment if you're limited to the number of employees that you're going to be able to have utilizing them. And we have the equity issue I think once again about the aspect of the people who aren't in business but are able to accumulate as much equipment as they see fit for their own personal use at that particular point in time, whereas the example is you could limit yourself to two trailers and two pieces of heavy equipment, but your neighbor next door could have a trailer for recreational purposes, he could have a trailer for his motorcycles, he could have a trailer for his boat, he could have a trailer for his tractor, you know what, that would be cool because there's no law against him doing that, but we're going to create a law that says he can't do it if the trailer is all trailering business equipment.

LOWRY: That's the nature of zoning. I mean there are lots of single-family residential uses that can occur if they're personal, but can't occur if they're commercial.

BARCA: But we don't have to fall into this trap.

LOWRY: Well, I'd suggest it's not a trap. What zoning tends to work because people tend not to as a general rule for their personal use have the kind of equipment that you'd see in a commercial enterprise and that's why zoning works, it establishes general baselines that generally but not always produce a good result.

MOSS: You know, I don't disagree with what you've said, but it does seem to me like as a practical matter if we limit the number of employees on the site, that we're thereby limiting the amount of equipment. Now somebody could store that equipment there I suppose, but doesn't our nuisance law govern then for inoperable equipment? I mean there isn't anybody there --

LEIN: It could be inoperable.

MOSS: Let's see. I think under our nuisance rules it has to be moved once every 30 days or something like that.

SMITH: How about a guy who sells used equipment?

LOWRY: I can't remember (inaudible).

SMITH: How about a guy who sells used equipment out of his place? He could have a lot of equipment with only two people working there.

MOSS: But, see, do we allow that.

BARCA: Way to go, Carey.

SMITH: Sorry.

MOSS: Yeah, thanks, Carey, I thought we were getting to the end of this.

BARCA: It says "no retail sales" right there in black and white. No retail sales.

SMITH: What about wholesale?

BARCA: Wholesale?

DELEISSEGUES: Well, this number of employees gets back to the question of how you're going to count employees. If they're off-site, on-site, if they show up for 15 minutes and start the equipment and take off are they counted on-site employees. You know, we went around that barn a couple of times too.

BARCA: Well, and I think Jeff pointed out with the definition that he was trying to use that it was impractical to expect employees that weren't directly related to the equipment to be showing up out in a rural area just to turn around and go off to a job site someplace. So if we're talking about the number of pieces of equipment and the number of employees, then we would get down to trying to define those people necessary to operate from that location out for the business I guess. That would be something in the context of saying that if we said there could be no more than 6 or 8 or 10, then if all 10 of them went and fired up a piece of equipment and left, that would mean that there would be no bookkeeper, there would be no dispatcher on-site, there would be no maintenance people remaining. But if they have those people that are on-site, then the number of people that were available to grab equipment and drive it off-site would have to be reduced.

DELEISSEGUES: So is this Number 3 maximum number of employees? It says nonresident would be on-site employees, is that what you're talking about?

BARCA: Ones that would start the business day from that site.

DELEISSEGUES: I'm just trying to get a handle on if you're going to leave this in the matrix, this number of employees, how are you going to define what constitutes two, two, three, four, four, five or whatever numbers we put in there.

MOSS: Yeah, I think Dick's got a valid question, Ron, we really hadn't reached any consensus on how we would count employees.

BARCA: Well, that's why I'm throwing out a definition for the sake of discussion.

LOWRY: Would it make some sense instead of trying to get at the issue by number of employees to try to get at it at the number of transports, heavy equipment transports per day?

DELEISSEGUES: Then that brings back what Ron was talking about, the mechanics and the people that are on-site.

LOWRY: Yeah. And that's what I'm suggesting. I don't think the major impact from, although I could be wrong, from the heavy equipment is the mechanics that might be working on them on-site, but rather it's the problems caused by the equipment coming on and off the site.

LEIN: And the timing that they can go on and off.

LOWRY: And the timing when that occurs.

DELEISSEGUES: Well, maybe the activity that would be a result of the mechanics working on-site would fall under the Noise ordinance or something else then if they were banging and clanging, is that what you're thinking?

LOWRY: (Nods head affirmatively.) That and I think the major complaints that I've heard either firsthand or secondhand have been about the heavy equipment starting up and leaving the site very early in the morning and coming back late at night.

MOSS: You know, I think that's a problem that we may have no solution for. You know, the fact is that, you know, the guy that's operating the truck haul and asphalt to a paving job that has to get up and leave at 4:00 in the morning, that's one of those inconveniences that we as society have got to bear because we, you know, we need that paving to occur. I think we need to define somehow or exempt those kinds of operations somehow from the hours of operation. I mean I just don't see leaving this like this, you know, 7:00 a.m. to 8:00 p.m. or whatever, and telling these folks that have testified, you know, they can't start their trucks until 7:00. You know, I sympathize with the people that live next door to them, but I don't know what the solution is to that. The fact is that those paving crews have to be out there working at that time in the morning.

DELEISSEGUES: Maybe they could be exempt if they had a bigger piece of property. You know, if you're on a two and a half acre, your neighbors are a little closer and more likely to be inconvenienced, but if you had a 20-acre piece of property and they started a truck, I doubt that anybody would even know it. Maybe, I don't know.

BARCA: Well, I think that's probably going to be what we're hoping to accomplish within the confines of the amnesty period, that if they find themselves outside of the scope of legitimate operations according to the ordinance initially, they're going to have a period of time to get themselves back in it.

MOSS: Well, what are they going to do? Are these guys not going to go to a paving project at 4:00 in the morning?

BARCA: No. I think what Dick was saying is the hours of operation I think are in the context of the creation of a nuisance and if there is no nuisance, then there's no violation.

DELEISSEGUES: See, that's why I'm trying to get away from this matrix thing. If we could deal with this in a way --

BARCA: Well, somehow we got off of the matrix.

DELEISSEGUES: -- you know, nuisances and standards that have to be met and some of these other things, percentage of the piece of property that can be used for these different uses, storage, this matrix thing bothers me in a lot of ways and one of the ways is who's going to enforce it. And there's a whole bunch of ways you can get around counting these numbers the way -- no matter how closely we try to define it, you know, whether they're on-site or off-site or what if they're off-site the day the enforcement guy comes to count employees but the next day they're all back there again. And it's really divisive because what it does is it almost makes the neighbor that's unhappy with whatever is going on there be kind of a, you know, I counted two people this day so they call up and it just seems like it's a divisive situation that we're setting up to pit neighbor against neighbor almost. If you have some things that are ill-defined and easily misunderstood, you know, not comprehensible, especially if they don't have anything to do with common sense. I don't know. I live out in the rural area too and there's people right around the corner that have dump trucks and all of that and they operate I'm sure at 4:00 in the morning or whatever and I don't -- I've never heard one of those trucks start up. The only thing I ever hear is them going around the corner.

BARCA: So there's no nuisance.

DELEISSEGUES: No.

BARCA: So that's --

DELEISSEGUES: But I'm sure he's not into compliance with any of this stuff. He's got gravel, he's got sand, he's got employees, but he's not causing any problem that I know of.

BARCA: Well, the whole reason that this is before us, though, is there was obviously

impacts and there was adverse --

DELEISSEGUES: I know, but if we could deal with --

BARCA: -- and there was adverse impacts.

DELEISSEGUES: -- it, if we could deal with it through standards that people could understand, that here are the conditions of operating out in the rural area and if they're clearly outside of those, then they've got a valid complaint. But these are very difficult, you know, not only to operate a business within these constraints, but to try to figure out if in fact they are operating within these constraints, maximum number of nonresident employees. Well, how do you know how many they've got if they're not there.

BARCA: How does the business know?

DELEISSEGUES: Yeah, how does a neighbor know whether they're a resident or nonresident. What if there's a son or daughter that used to live there, moved away but still come back to help operate the family business, are they all of a sudden not family, they're a nonresident employee. You know, I could think of a million --

BARCA: Well, either they're resident or they are not resident, Dick.

DELEISSEGUES: -- questions about them.

BARCA: I mean everything that's in here, though, we're trying to create in a format that's actually empirical data that can be looked at by Code Enforcement for as much as possible a black or white answer on it and they're only going to get involved when there is some type of grievance.

DELEISSEGUES: And I agree with that principle. I just think the way that we're defining it could be simplified. That's all I'm saying.

BARCA: Well, we got back around this matrix twice from the standpoint of size of the business and at what point in time it was appropriate and at what point in time it would become inappropriate and the Task Force spent a lot of time talking about the appropriate nature being relegated specifically to parcel size. So there was an emphasis put on limiting the size of the business in relationship to parcel size. I don't see any way of addressing that concern without having some type of matrix.

DELEISSEGUES: Well, we talked about several other ways to do it. Percentage of the land for one of them was --

BARCA: Which is still a matrix format.

MOSS: Well, it wouldn't need to be, we just put it in as a requirement that it's two percent or three percent or whatever, it doesn't need to go on a matrix format.

WRISTON: Suggest something.

MOSS: Okay. I'm going to suggest a two percent limit -- oh, I'm sorry.

WRISTON: Oh, man, don't stop him.

LEIN: Now we got to start all over again.

WRISTON: It's ironic you run out of paper on Lonnie.

RUPLEY: Before he talks.

WRISTON: Before he talks, yeah, it's a good time to fill up.

MOSS: I'm going to suggest that we apply a two percent limitation across the board on both maximum allowable use of accessory structures in square feet and the allowable outside storage that is two percent of the total parcel area or ownership area the way that that's defined.

WRISTON: What about vehicles and trailers?

MOSS: I'm still willing to leave those out.

BARCA: Scratch it.

WRISTON: Hours of operation?

MOSS: I want to make one more run at that. And that's that I'll point out that the guy who came and testified about having to leave at 4:00 in the morning would require a conditional use permit to do so the way that this ordinance is written because he can't meet the standards for either a home occupation minor or a home occupation major, both of those require hours of operation.

LEIN: I would argue that because he's leaving the site. If he were doing all of his business on-site, then I would say he needs to conform with the hours of operation.

MOSS: Then we need to define it that way.

LEIN: If he's starting a vehicle, yeah, if he's starting it out there five vehicles and they're out there for four hours warming up that's a little ridiculous, but if they start a vehicle and leave at 4:00 in the morning I think they would have that right.

WRISTON: I agree totally.

MOSS: Can we make that code for Code Enforcement's purposes because we're going to continue to get complaints about that and we need to make that clear.

WRISTON: You guys got that? I agree totally. I mean most of these people 7:00 a.m. is -- I mean half the day is gone.

MOSS: Yes, it is.

WRISTON: For, you know, I mean that's -- but I agree with what Vaughn is saying that 7:00 a.m. if you're doing a --

MOSS: On-site resident business.

WRISTON: Right. Right.

LEIN: They're going to run into that.

LOWRY: So we should clarify the ordinance to make it clear that it does not apply to a vehicle leaving.

WRISTON: How about maximum number of employees?

MOSS: Yeah, coming or going --

LOWRY: Right.

MOSS: -- either one.

EULER: Excuse. Would you say again, Lonnie, what your -- the two percent across the board would be for accessory structure and?

BARCA: Outside storage.

MOSS: And for outside storage.

EULER: Okay, that's what I thought. Thank you.

LOWRY: Is that a cumulative?

MOSS: No, two percent each.

DELEISSEGUES: Two percent each, that's what I thought he meant.

WRISTON: How about maximum number of employees?

MOSS: Ron, do you want to make a stab at that?

BARCA: Well, I only had two distinctions. And at the less than ten acres I had four and then above ten acres I wrote six and that's about as arbitrary as you can get.

WRISTON: Okay. I think that's it.

MOSS: Some days you just got to be arbitrary.

DELEISSEGUES: Say it again, Ron, what was it?

BARCA: Four employees up to ten acres.

LEIN: Four, four, four, six, six, six.

DELEISSEGUES: That was nonresident employees?

BARCA: Nonresident employees.

WRISTON: Okay. Why don't you make a motion, Lonnie.

SMITH: Any further business?

LEIN: I think Dick has everything in terms of a motion.

WRISTON: Oh, Dick. Okay, good.

DELEISSEGUES: Let Lonnie do it.

MOSS: No, Dick, you've got my permission.

DELEISSEGUES: Okay. Ready, here we go.

WRISTON: This is going to be good.

DELEISSEGUES: Number 1 we put, what did we put, should new and existing businesses be treated differently and you've got to wait until we go through the whole list because it was conditioned upon the --

LOWRY: I don't think you need to go through --

DELEISSEGUES: Anyway, we said no theoretically. The matrix --

LEIN: So you're saying we don't need to go through here, staff understands what we had?

LOWRY: Yes. Yes. I think there are two additional items that I can think of. One is that item I mentioned before about the change to the County Nuisance ordinance so it applies to home businesses in the rural area, and the other is some discussion on a recommended duration for an amnesty period in which there are actually two periods, how long should existing businesses have to opt in, and if they opt in, how long should they have to ramp down.

DELEISSEGUES: We said five years, didn't we?

LEIN: Well, I think I'd personally say you have a year to get into the system and five years after that myself. I mean the notification --

EULER: So a total of six years?

LEIN: Yeah. The notification can go out; if people ignore it, that's not our responsibility.

MOSS: When you say notification will go out, are we going to send notification to all of the business --

LEIN: Well, we don't know the businesses.

LOWRY: Yeah, we don't know who, we know the who through Code Enforcement --

MOSS: My question was: Are we going to send it to all rural residents because we don't know?

LOWRY: I doubt we'd do that, but I think we can use Matt's offices to get the word out, I think we can use the Chamber of Commerce, I think we can get some -- put some ads in the paper.

LEIN: Neighborhood associations.

WRISTON: What did you say, six years?

BARCA: If it makes the Reflector, they'll know.

LEIN: One to get in and five to --

MOSS: I think the five years is reasonable. My only concern is can we do enough of an educational campaign, enough of a notice campaign, to get people to come in in the year?

LOWRY: Yeah, I think you -- what I would suggest is you simply recommend that an aggressive outreach program be established. I mean we're not the ones that can come up with that, we have a whole department in the County that does that sort of thing.

RUPLEY: So you don't like the one year plus five?

LOWRY: No, that's reasonable.

WRISTON: He likes it.

EULER: For a total of six.

WRISTON: With an aggressive campaign.

BARCA: During the first year?

LEIN: Through the sixth year.

LOWRY: During the 11th month.

WRISTON: No, after it's in.

MOSS: Rich, would you agree that there might be a need for another alternative here? And that's that people can demonstrate after this period of time that, yes, they have been operating this business for -- I mean maybe in the third year it's possible that there are people who are not going to find out about this. And it's not only possible, it's probable.

LOWRY: I guess I would suggest --

MOSS: I wouldn't extend the five-year period for them but --

LOWRY: You can, that would be awfully difficult to administer trying to figure out that how do you show that this person didn't get the word. I would also suggest that with your recommended changes I think the number of businesses that can't meet the matrix is going to be drastically reduced.

MOSS: Yes. Right. Okay. One in five.

WRISTON: It's agreed?

LEIN: With the addition also of the Chapter 94 impact in the rural area, I think we've talked about that, nuisance.

WRISTON: So we're ready for a motion or where are we? Is that it?

LEIN: That would be a motion.

WRISTON: Second.

DELEISSEGUES: We don't need to have a motion.

LEIN: We **need to move it on, but that's the motion, staff understands.**

WRISTON: **Second.**

LEIN: Any further discussion?

DELEISSEGUES: Gordy, any further discussion?

EULER: Just a clarification. We're taking out the last three rows of the matrix?

WRISTON: Yes.

LEIN: I do have a -- personally I do have a concern about that.

EULER: I do too. So I just wanted to make sure it's what you want to recommend so I write --

BARCA: Do we vote on it?

MOSS: Well, we always have the opportunity to modify this next year.

BARCA: Yeah. But is that in between comp plan update reviews?

EULER: It's your new rural economic development strategy, folks.

WRISTON: I think the discussion was by limiting the employees and limiting the activity area and storage area and activity itself that the rest would take care of itself, but -- and I understand the, but I think there's more in my opinion and I think you ought to jump in too. I think there's more harm than good. There's going to be more exceptions where -- fewer exceptions where you're going to have 30 vehicles than where you're going to have, you know, a guy that wants two trailers or something but we arbitrarily said one and he really doesn't bother anyone, I think there's going to be more of those than there are.

LOWRY: Yeah. On this one because you don't have a single motion that incorporates your recommendation, what I think we can do because the Board's not going to take this up immediately, we got the holidays and the Board is going to be immediately into the comp plan stuff.

LEIN: What are we doing here then?

LOWRY: I think once we get the transcript we will then try to do the Planning Commission report and we'll make sure that the next time you're meeting you've all had an advanced copy of that to make sure we've captured what your full recommendation is.

WRISTON: So don't vote tonight maybe? Don't vote tonight then maybe?

LOWRY: No. No. I'd go ahead and vote tonight because I think we'll be able to capture it, but you can -- you'll have a formal chance to look at it and say that we didn't.

LEIN: Could we do that in a workshop so that we don't spend all night rehashing it?

LOWRY: Sure.

WRISTON: So the answer to Number 10 is yes, then, we are going to periodically review it?

LEIN: No. Could we have roll call, please.

ROLL CALL VOTE

| | |
|---------------|-----|
| MOSS: | AYE |
| BARCA: | AYE |
| SMITH: | AYE |
| WRISTON: | AYE |
| RUPLEY: | YES |
| DELEISSEGUES: | AYE |
| LEIN: | AYE |

BARCA: That was meek.

RUPLEY: Here. Present.

OLD BUSINESS

None.

NEW BUSINESS

DELEISSEGUES: I've got a question under new business for next month, January, there's five Thursday's which --

LEIN: The third Thursday.

MOSS: The third Thursday.

DELEISSEGUES: The third?

LEIN: Yes.

DELEISSEGUES: I won't be here then.

WISER: I don't think we have anything scheduled.

LEIN: I would like to announce --

WISER: I don't think we have anything scheduled.

MOSS: Nothing scheduled for January?

WISER: No.

MOSS: Whatever will we do?

DELEISSEGUES: This will be back on the agenda.

EULER: Sold.

MOSS: I heard January off, that works for me.

DELEISSEGUES: Yeah, me too.

LEIN: I would like to announce the reappointment of Mr. Deleissegues to the Planning Commission. Congratulations.

RUPLEY: Is that old business or new business?

LEIN: That's new business.

DELEISSEGUES: That comes under bad news.

BARCA: Obviously there was no vote.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

LEIN: I'd like to thank members of the audience for continuing to come to these meetings, especially with all the continuations that we had in the interim. I appreciate your time and effort and I wish everybody happy holidays.

ADJOURNMENT

The hearing adjourned at 10:30 p.m.

All proceedings of tonight's hearing are filed in Clark County Community Development/Long Range Planning. The minutes can also be viewed on the Clark County Web Page at www.co.clark.wa.us/ComDev/LongRange/LRP_PCagenda.asp

Vaughn Lein, Chair

Date

Minutes Transcribed By:

Cindy Holley, Court Reporter

Sonja Wiser, Administrative Assistant

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